





RECORDS OF THE CAPE COLONY.

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RECORDS OF THE CAPE COLONY

From JUNE to AUGUST 1825.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
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BY
GEORGE M^CCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.

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RECORDS OF THE CAPE COLONY.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 13 June 1825.

SIR,—Having laid before Earl Bathurst your letter of the 7th Instant requesting to be authorized to defray the expence of complying with Lord Charles Somerset's directions for procuring cast iron Pipes for the Water Works at the Cape of Good Hope, I am directed to convey to you his Lordship's authority for complying with Lord Charles Somerset's directions in this particular. I am &c.

(Signed) R. W. HORTON.

[Copy.]

Note from LIEUTENANT-COLONEL BIRD to the COMMISSIONERS OF ENQUIRY.

Lieut.-Col. Bird presents his compliments to the Commissioners of Inquiry, and in answer to their note of yesterday, he has the honor to inform them that he was not in the Colony when the transaction to which their note refers took place, and so many years have elapsed since he has seen the official documents on the subject of the seizure of the Public treasure by certain members of the Batavian Government, after the military authorities had proposed a capitulation in January 1806, that he is able to speak with a very imperfect recollection to the details. Lieutenant Colonel Bird however recollects to

have heard that by way of giving colour to the extraordinary fraud, a pretended resolution of the members of Council was foisted into the Council Book on a loose sheet of paper subsequent to the surrender of the Place to the British ; this loose sheet will probably still be found in the Council Book at the Colonial Office. He also remembers, that it was rumoured that one person did not refund the proportion he had received, and that others refunded only in part, but he believes that the larger part of the plunder was recovered, but not the whole amount. His memory is not clear as to the names of those who remained defaulters, he does not believe that the amount was restored by the captors to the Colonial Government, he thinks it remained with the Prize Agents and was distributed as Prize. Lieutenant Colonel Bird does not remember to have heard that the money alluded to was claimed from the prize Agents at any subsequent period. The last official notice of this transaction was a despatch from the Secretary of State, ordering the female Slave Marie (who had given the information to the captors of the secreting of the said treasure) to be purchased and made free at the expence of Government, an order which Lieutenant Colonel Bird carried into effect ; she had been sold and removed to a very remote part of the Colony, to which he traced her, and procured her freedom. The above order had been issued on a representation of Sir John Cradock (Lord Howden), who viewed the transaction in a very strong light, and unhesitatingly gave his opinion upon it. It had been alledged that the unfortunate woman who had made the disclosure had been in consequence exposed to much persecution and cruelty, and her case at length became the subject of investigation in the Court of Justice. The parties said to have maltreated her were then acquitted ; the proceedings remain a curious record of this sort of investigation. The female Marie is still living, and is believed to reside in Cape Town.

[Copy.]

Memorial of MR. THOMAS ROWLES.

His Excellency the Governor General the Right Honourable
Lord Charles Henry Somerset.

The Memorial of Thomas Rowles, of Cape Town, Cape of Good Hope, sets forth,

That Your Memorialist, having in the year 1811 determined to become domiciled at the Cape of Good Hope for some years, or so long as his family affairs might dictate, was induced to withdraw his property from England, for the purpose of investing it in this settlement; that he was so induced, from the reputed solidity and credit of the colonial currency, Your memorialist having twice petitioned Government for a grant of some of the uncultivated land in the Cape district, but which petitions were refused; and the reason assigned for such refusal, that the lands had been applied for and denied to former applicants, being security for the colonial paper currency. Your memorialist was further convinced of the solidity and credit of such currency, from the same having been guaranteed on the surrender of the colony to the British arms, as well as by a Proclamation of his Excellency Sir David Baird, of the 23rd January 1806; and from the prevailing report, that the paper money just created and issued would be destroyed after the same had returned into the colonial treasury.

Your memorialist having married, and domiciled himself here, did not hesitate to draw on Messrs. Thomas Coutts & Co. for nearly the whole of the funds which they held belonging to him in Exchequer bills, to the amount of £7,500 sterling, and for which sum he passed his bills on that banking house in favour of Messrs. Simpson & Co. and Messrs. Ebdon & Watts, and received from the currency at £48 per cent or rixdollars 55,500; which he invested in this colony, and the same has ever since so remained.

That Your memorialist, by Your Excellency's Ordinance in Council on the 6th day of June instant, has become a very severe loser by the rixdollar being fixed at eighteen-pence

sterling, inasmuch as it will be found upon calculation that he loses upon the aforesaid amount the sum of £3,337 10s. sterling, if the rixdollar had been fixed at the same rate as when Your memorialist drew his funds into this settlement. By this heavy loss, which Your memorialist submits is without parallel in this colony, Your memorialist is debarred from ever returning to his native country, or forwarding his children there for education, and the maintaining his family connections.

This loss, as before set forth, will evidently appear to Your Excellency, on referring to the annexed Account current of Messrs. Thos. Coutts & Co., and the rate of exchange of which was 45 per cent.

Therefore Your memorialist humbly prays, That Your Excellency will be pleased to grant him relief to the amount of his loss in this singularly severe and unfortunate case ; or, if such relief be not in the power of Your Excellency to grant without reference to His Majesty's Government at home, that Your Excellency will be graciously pleased to transmit the same for their consideration, with such remarks as Your Excellency's accustomed equity may suggest.

And Your memorialist, as in duty bound, will ever pray, &c. &c.

(Signed) THOMAS ROWLES.

CAPE TOWN, CAPE OF GOOD HOPE,
June 15th, 1825.

[Copy.]

HANSARD'S *Parliamentary Debates.*

16 June 1825.

Conduct of Lord Charles Somerset—Petition of
Mr. Burnett.

Mr. *Brougham* said, he had a petition to present from Mr. Bishop Burnett, of the Cape of Good Hope, which stated sundry proceedings regarding the government of that colony,

which were highly deserving the consideration of the House. He would open to the House the facts stated in the petition, and would then lay it on the table, premising thus much—that he did not intend to make himself liable for the truth of the petitioner's statements. He had, however, made such inquiries of the petitioner respecting his statements as had convinced him, from the tests to which he had put the petitioner's accuracy, that he was at least consistent in the story he told. He would state the facts of the petition as they had been stated to him, and would then leave the House to deal as it chose with the allegations of the petitioner. [The learned gentleman then stated the facts of the petition, which will be found subjoined.] Assuredly this was a subject which ought to be inquired into. Indeed, if he believed that he had evidence to prove any of these allegations, he should feel it his duty to impeach lord Charles Somerset. But, he could not help believing that Mr. Burnett must be altogether mistaken. Undoubtedly, however, he had told him the same story that he told in the petition. He would add only one observation. A commission had been appointed to go out to the Cape of Good Hope, for the purpose of inquiring into the alleged grievances of that colony. Unfortunately one of the members of that commission had been prevented by illness from taking a part in the inquiry. This circumstance had, of course, occasioned some delay. He hoped, nevertheless, that it would not be long before they should have a report from the two remaining commissioners.

Mr. *Wilmot Horton* said, that the case of the petitioner was one of some notoriety, and in all probability the report of the commissioners would refer to it. If the charges were true, in God's name let them be regularly made and proved. There seemed to be a certain degree of conspiracy prevailing against lord Charles Somerset. But the petition professing to be against the governor went against the constituency of all the judicial authorities; and it was unfair not to distinguish, in such a complaint, between the acts of the governor and the defects of the Dutch law. He was not responsible for the want of facilities for complaints against the law and authorities before the commissioners. They were sent out to inquire, not into every case of grievance, but to discover the easiest and

safest method of bringing about a speedy amelioration of the whole system of government in that colony. The House ought to be aware of petitions urged on individual suggestion against persons holding high and responsible situations under the government, and within the regular control of parliament.

Mr. *Baring* said, that the allegations of the petition were of so grave a nature, that it was the duty of government to ascertain their truth or falsehood. What he rose especially to draw the attention of the House to, was the sort of government to which some of our colonies were at present subject. The principles on which those colonies were governed were those of the Spanish, and not those of the English law. While the government of the Cape was administered upon the existing despotic principles, whether lord Charles Somerset or any other individual were the governor, the system of government must be a bad one. It was indispensable to consider and revise those principles, and among the various instructions which had been given to the commissioners, he hoped it was one, to examine and report how far it might be expedient and practicable to establish something like representation in the colony.

Mr. *Ellice* said, that government ought certainly to effect a revision of the colonial law. Most of the colonies were governed by some system now got into disuse in the countries from which the laws were derived. In the French colonies, the old Bourbon law prevailed, though that was rejected at home in favour of the code Napoleon. And now upon a case of any complexity, even the French themselves could not agree upon the proper interpretation of it. Another great evil in matters of colonial law, was the fluctuation of the orders in council, which strangely unsettled it.

Mr. *Brougham* said, that, by moving to refer the petition to a select committee, it seemed that he should be doing that which best suited the views of all parties. Lord Charles Somerset ought not to be the sport and victim of charges loosely ventilated in that House. Lord Charles Somerset ought to challenge investigation, and government ought to wish for it. He would for the present content himself with having the petition laid on the table and printed.

The petition was read, and was as follows :—

“ To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled. The Petition of Bishop Burnett, of the Cape of Good Hope, Gentleman,

“ Most respectfully sheweth, That your petitioner, in the year 1820, was induced to embark considerable capital in an agricultural undertaking in the district of Albany, Cape of Good Hope, the progress of which undertaking was greatly impeded by the colonial authorities refusing him that assistance so liberally extended to the emigrants then locating in the district, contrary to the expressed assurances of the under colonial secretary, that your petitioner should receive the utmost assistance in the event of his not burthening the government with the expense of transporting a party of settlers in aid of his undertaking.

“ That, after an expenditure of more than 20,000 rixdollars, during your petitioner's first year's enterprize, upon a farm hired of one Robert Hart, for the cultivation of green forage, expressly at the suggestion of lieutenant-colonel Somerset, from whence his first year's returns had been estimated from 7,000 to 10,000 dollars, his enterprize was utterly frustrated by partiality in the commissariat, by preference to the military growers of forage, and by trespasses of the Cape Colonial cavalry.

“ That your petitioner had then recently been the accidental medium of vindicating the character of captain Stockenstrom, Landdrost of Graaff Reinet, from aspersion, and rescuing him from a conspiracy, the aim of which was, to degrade him in his regiment, and displace him from the magistracy, as a reference to the proceedings of a court of inquiry, held at that period upon the conduct of captain Stockenstrom will clearly establish ; and that your petitioner, in consequence of this occurrence, became forthwith obnoxious to the colonial government.

“ That before the expiration of the above-stated period, the said Robert Hart commenced proceedings at law against your petitioner for the recovery of 900 rixdollars, a balance of account (although your petitioner had expended so much money upon his premises), and proceeded through forms of

law with which your petitioner was totally unacquainted to judgment. Notwithstanding your petitioner had tendered a bona fide claim upon the commissariat for forage supplied the Cape cavalry, and thus recognized by its commander, captain Somerset, in liquidation of this judgment, it was immediately followed up by a publication of his insolvency, and the whole of his property was forthwith advertised for sale.

“That the sale was nevertheless as arbitrarily suspended by the colonial government, as it had been illegally threatened, and that in spite of every remonstrance on the subject on the part of your petitioner, the proceedings in this instance were left in complete abeyance for a period of two years, notwithstanding the public judicial declaration of a commission of circuit about the middle of that period, that these proceedings were in error, and that your petitioner was not insolvent.

“That with a view to compel something like decision on the part of the colonial government, your petitioner, on the arrival of the ensuing commission of circuit, instituted proceedings both against Robert Hart and the Public Sequestrator for their illegal and oppressive conduct in this particular, justifying his process more especially from the public declaration of the preceding commission, that these proceedings were altogether illegal and vexatious.

“That your petitioner was universally considered an aggrieved and persecuted man, whom the colonial government had determined to crush ; but that the flagrancy of its injustice had attained such a degree of notoriety, that the arrival of the last commission of circuit was hailed by the whole independent population of the district as the certain period of his triumph from its fear of a rigid scrutiny by the commissioners of inquiry, if not from its judicial integrity. That the proceedings of this commission were nevertheless a departure from the dictates of common sense as well as justice, and so palpably partial and corrupt, as to occasion general astonishment and disgust throughout the district, and a current opinion that the decisions of this commission were dictated by the colonial government prior to the investigation of their relative cases.

“That such intolerable oppression, involving no less an issue than the utter demolition of your petitioner’s prospects in the colony, induced him, from imperative duty to himself and

the public, to represent his case in a memorial to his excellency the governor, with a bona fide view of obtaining inquiry and redress—a proceeding warranted by the laws of all civilized states, and especially justified by those of his native country.

“That his excellency, altogether slighting the prayer of your petitioner’s memorial, or instituting any inquiry into the merits of the charges he had adduced against the commissioners, placed it forthwith in the hands of his majesty’s fiscal, with orders to commence criminal proceedings thereon, and a prosecution for libel was begun accordingly. That as no *lex loci* was applicable to your petitioner’s case, no English statute or Dutch decree, nor even summary enactment of a Cape proclamation, his majesty’s fiscal obtained his conviction upon his own unwarranted assumption of Roman practice, both contrary to the laws of the ten tables, and of the pandects of Justinian, the acknowledged bases of that code by which the Batavian republic and its provinces had hitherto been governed, and your petitioner was sentenced to five years’ banishment from the colony.

“That during the course of this prosecution, which was vexatiously protracted by the illegal retention of papers necessary to your petitioner’s defence, his house was invaded by his majesty’s fiscal, and attendants, under the sanction of his excellency’s warrant, and his papers seized for the avowed purpose of implicating him in the promulgation of a charge against his excellency, of having committed an unspeakable atrocity with his reputed son, the physician to his household—a proceeding as unjustifiable as the grounds of it were visionary, no doubt now existing in the minds of the Cape-town colonists that it was prepared, affixed, and withdrawn, in a desperate exigence of his excellency’s unpopularity, by a person named Jones, but better known by the appellation of Oliver the spy.

“That, contrary to your petitioner’s sentence, he was left at large subsequent to his conviction, and that while engaged in preparations for his return to England, necessarily unaccompanied by his family, and still appellant in nine causes before the court of justice, his house was again beset, and his papers seized by the fiscal, without the exhibition of any charge, or upon any other authority than his excellency’s caprice; and though entirely innocent of any offence against

the colonial government collectively, or any member comprising it, he was compelled, from the alarming suggestions of his friends, to seek concealment and withdraw himself from the further persecution of his excellency. Through the instrumentality of the chief justice and the fiscal, he ultimately embarked, and on the 22nd of last December quitted the colony.

“It will be apparent, that in presenting such a statement of grievances to your honourable House, through the vehicle of a petition, your petitioner must necessarily be restricted to a very imperfect development of four years unceasing injustice and persecution; but he is fully prepared to substantiate every allegation he has advanced, as well as charges of a more serious description, against his excellency the governor of the Cape of Good Hope, should such evidence be required of him.

“In illustrating the character of judicial procedure at the Cape, your petitioner most respectfully craves the attention of your honourable House to the extraordinary contrast of his case with that of Mr. Lancelot Cooke’s, a most respectable merchant of Cape-town, who was tried for precisely the same offence—that of impugning the conduct of a public functionary in his application for redress of grievance, but with the imputed super-addition of having given his memorial publicity—the greatest possible aggravation, or rather the chief essential in the construction of libel—an offence not even charged against your petitioner: Mr. Cooke, who stood neuter with the colonial government, was nevertheless acquitted; your petitioner, unfortunately, not in this predicament, was condemned. Nor, your petitioner most humbly submits, can a pure and unbiassed judgment be looked for in causes of appeal to his excellency, where a *malus animus* may be said naturally to exist, as in the case of the Dutchman Dure, who succeeded in causes wherein he was appellant to his excellency, shortly after the purchase of one of his excellency’s horses for 10,000 dollars, which died after payment and before delivery from the stables.

“That your petitioner, in common with his brother colonists, has been much aggrieved by the extraordinary fluctuation of the colonial rate of exchange, which has singularly proved at higher discount when his excellency has had occasion to draw, than when he has found it expedient to remit—an evil that

would have less injurious operation if his excellency's salary was paid in colonial currency.

"That should your honourable House suppose the commissariat department at the Cape of Good Hope to be governed by the ordinary regulations, your petitioner most respectfully begs leave to disabuse your honourable House of such opinion ; the supplies in the district of Albany having been, up to the arrival of the commissioners of inquiry, derived from private tender only. Hence the enormous price of 23 stivers and a fraction paid to the bailiff of the Somerset establishment per ration for the troops on the frontier, which your petitioner would gladly have contributed at 10 stivers per ration—a circumstance that, waving even the suspicion of peculation in the enormous balances of profit, must necessarily enrich the colonial at the expense of the home treasury, and which, by excluding competition, paralyzes the efforts of the settler in the only profitable vent for his industry.

"That in the abandonment of Bathurst, and the determined opposition of his excellency to the wise and paternal measures of sir Rufane Shawe Donkin, the interests of the settlers were directly compromised without any regard to consequences, from which they have scarcely yet recovered ; while in the cultivation of green forage by the military, and the substitution of the Hottentot regiment for troops of the line, as a protecting force on the frontier, your petitioner and his brother colonists have experienced evils of grievous magnitude and pressure.

"That in the constitution of the judicial body at the Cape, none of those safeguards are perceptible which ensure to the subject the flow of unpolluted justice, its present organization consisting for the most part of displaced Landdrosts, and one retired English commissary, all removable at the pleasure of his excellency, and consequently susceptible of imputations which will be apparent to your honourable House.

"That your petitioner, so far from desiring to agitate any question which might glance at the eligibility of lord Charles Somerset to his government, has spared no effort to obtain a moderate redress from earl Bathurst's department ; but that that department, throughout its whole correspondence, has projected so many obstacles and delays, and manifested so little sympathy for the unwarrantable aggressions your petitioner

has sustained, that he is compelled to throw himself upon the justice of your honourable House.

“Your petitioner therefore prays that your honourable House will cause an inquiry to be instituted into the conduct of lord Charles Somerset and the colonial authorities at the Cape, and extend to your petitioner such protection and redress as to your honourable House may seem meet. And your petitioner &c.

Ordered to lie on the table.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., to MR. D. P. FRANCIS.

DOWNING STREET, 16 June 1825.

SIR,—I am directed by Earl Bathurst to acquaint you in answer to your letter of the 11th Inst. that no Report has been received from the Commissioners of Enquiry at the Cape respecting your case, and that whenever such report does arrive, his Lordship will be disposed to consider your claims as favorably as the nature of the circumstances will allow.

If upon your return to town you should be desirous of seeing me, I shall be ready to receive you. I am &c.

(Signed) R. W. HORTON.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 17th June 1825.

MY LORD,—We have had the honour to receive your Lordship's letter of the 6th instant, and have since taken an opportunity of examining such parts of the government house and offices at Newlands as had not previously come within our observation; and in compliance with the wish expressed by your Lordship to be possessed of our opinion of the character and

extent of the buildings, we beg leave to state that the exterior is constructed, according to the custom of the country, of stone and brick covered with plaster, and with a less degree of decoration in cornices and finishing than we have usually observed in the country houses of the inhabitants. The addition of the veranda we conceive to be calculated to protect the building externally from the effects of the weather. The two principal apartments on each side of the entrance-hall do not exceed the ordinary dimensions of those generally found in the residences of country gentlemen in England, and the execution of them, as well as of the other apartments of the house, is in a style that is perfectly plain and unembellished.

The accommodation that the offices afford is, we think, rather limited for a large establishment; and the stables, with the accommodation annexed to them, although extensive, are not disproportioned to the scale of the principal building, adverting to the necessity of providing for the horses and carriages of visitors.

As a country residence for the Governor of the colony, where he is accustomed to receive strangers of rank in the summer and autumn on their passage to distant stations, and frequently to entertain the civil and military officers of the establishment, we think that the house at Newlands barely contains the accommodation requisite for these purposes.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Original.]

Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN,

CAPE OF GOOD HOPE, 17th June 1825.

MY LORD,—We have the honor to transmit to Your Lordship our Report upon the Charges against Colonel Bird contained in the two affidavits of Mr. Wm. Parker that accompanied your Lordship's Despatch dated 27th December 1823.

We are anxious to explain to your Lordship that it did not reach this Colony until the 27th May of the following year, and that we lost no time on our return from the Interior Districts of the Colony in entering upon the inquiry as early and as fully as other investigations with which we had recently been charged would allow.

With a view to bring the Charges contained in Mr. Wm. Parker's Affidavit more distinctly to the view of Colonel Bird, and to separate the matters of direct inculcation from the diffuse and irrelevant observations that encumbered them, we extracted the contents of his two Affidavits into ten different articles, transmitting the whole of them to Colonel Bird for his answers, and such of them as conveyed imputations against the general conduct and administration of the Colonial Government to His Excellency Lord Charles Somerset.

The replies of His Excellency and of Colonel Bird, together with the Evidence oral as well as documentary, we have now the honor to transmit.

As we found it impracticable from the nature of Mr. Parker's Affidavits to exhibit the Charges in any connected form or series, your Lordship will excuse us if in reporting upon them we pursue the numerical, altho' not the natural order in which we should have preferred to place them.

The first Charge made by Mr. Parker of the suppression of certain Letters alleged to have been transmitted by Sir Benjamin Bloomfield, especially recommending him to the notice of the Colonial Government, is sufficiently disproved by the declaration of the present Assistant Secretary to the Government, who states that he has never seen, and that there does not exist in the Colonial Office, any Despatch either from Your Lordship or from Mr. Goulburn conveying or covering any such recommendation, or indeed any recommendation whatever of Mr. Parker to the Colonial Government, and that the only Despatch in which his name is mentioned is one in which it is found inserted in the General List of Settlers on board the *East Indian* Transport, and as the Head of a Party.

Colonel Bird has denied that he ever expressed to Mr. Parker any doubt respecting the originality of the papers that he exhibited, and has very truly replied that if they or any

other papers contained a recommendation that Mr. Parker should be located at the River Knysna, such a recommendation could not have been carried into effect. The slightest inquiry would have satisfied Mr. Parker that all the land bordering on the Knysna had been already granted to or purchased by two Individuals, one of whom had acquired the possession of the most valuable portions of it long before the arrival of the Settlers in the Colony, and that so extensive had been the monopoly of land secured by him in this quarter that the only portion which the British Naval Commissioner could obtain, and which was adapted for the purpose of forming a small Establishment for the construction of Vessels and for the collection and embarkation of Timber, was an allotment of eighty acres upon one Estate, and which were resumed as an equivalent for the whole reserve of the shore to which Government was entitled upon five others that had been confirmed to him.

Mr. Parker imputes to the hostile disposition of Colonel Bird the selection of the District of Clanwilliam as a place of Location for himself and the Settlers from Cork, and charges him on oath with having been the malicious cause of all their misfortunes and failure.

Considering the ministerial or executive character in which we conceive the person filling the situation of Colonial Secretary to stand with regard to the Governor of this Colony, we might perhaps have been satisfied with the repeated and unequivocal declarations of Sir Rufane Donkin, that he admitted and took upon himself all the responsibility that might be found to attach to the selection of the District of Clanwilliam as a place of Settlement. In any question that had been raised against the Colonial Government, we should have felt that this declaration was sufficient to have protected Colonel Bird from responsibility, but having found that a direct charge is made by Mr. Parker against Colonel Bird individually, for the abuse of those powers which the absence of the Acting Governor on the Frontier is said to have placed in his hands, and for acting under the influence of motives that are imputed to Colonel Bird alone and could not in any degree of probability have influenced the mind of the Acting Governor, we have considered it our duty to examine the grounds upon which Mr.

Parker ventures on oath to charge Colonel Bird with the failure and misfortune which he alleges to have suffered in consequence of the order that was given to his Party of Settlers to proceed to the District of Clanwilliam.

Colonel Bird in proof of his exemption from all responsibility for this measure, as well as of the aversion with which he says he had always regarded it, appeals to the contents of a Letter addressed to Mr. Parker by Mr. Ellis, then Deputy Secretary to Government, dated 29th September 1820, wherein Mr. Ellis terms the attempts of Mr. Parker to separate Colonel Bird from the Acting Governor as a fallacy, and states that the idea of placing parties of Settlers in any other District than the Zuureveld belonged originally to the Acting Governor. Mr. Ellis however makes no allusion to the alleged aversion of Colonel Bird to the measure, but candidly admits "that the object absolutely entertained by all those whose duty it became to act up to that idea was to select from the unoccupied lands the most eligible Situations." This admission, by which we understand that the execution of the idea entertained by the Acting Governor in favor of the system of separate location was left to the care of the Colonial and Deputy Secretaries, seems to correspond with the state of circumstances as they existed on the arrival of Mr. Parker and his Party, and is strongly confirmed by a passage in a letter of Colonel Bird addressed to ourselves upon the subject of the location of a party of Welsh Settlers in the District of Swellendam, wherein he states that "when Sir Rufane Donkin decided upon placing Parties of Settlers in other Districts than the Zuureveld, it became his (Colonel Bird's) duty to point out to him the most eligible situations he knew of for that object from the unoccupied Lands."

The Acting Governor had quitted Cape Town on a visit to the Frontier on the 29th April 1820, and the ship in which Mr. Parker was embarked did not anchor in Simon's Bay until the 30th of that Month. It would appear by the Instructions given to Mr. Buissinne, the Receiver of Land Revenue and formerly Landdrost of Swellendam, previous to his departure for Clanwilliam, that the Colonial Government had felt that they were not in possession of sufficient information of the capability of that District, and had therefore selected this Gentleman,

who is the Brother-in-law of Colonel Bird, to undertake the duty of examining and reporting upon it. It was clear that the arrival of a detached portion of Settlers from Cork was expected before the departure of the Acting Governor from the Frontier, yet upon inquiry of Colonel Bird we find that he does not recollect to have received any written Instructions from Sir Rufane Donkin relative to the location of these Settlers in case of their arrival during his absence, nor is there any trace to be found in the Colonial Office of the existence of such documents. Colonel Bird therefore referred us to the declaration of Sir Rufane Donkin contained in his letter to your Lordship dated 23rd August 1821, in which he says in answer to the charge against Colonel Bird of hostility or neglect of Mr. Parker that "whatever has been done, he (the Acting Governor) was solely answerable for, that no step had been taken in regard to Mr. Parker but by his authority and with his knowledge."

In adverting also to a Memorandum that appears to have been transmitted to Your Lordship by the Cape Government, and received in the year 1820, but without date or signature, we find it stated that His Excellency the Acting Governor having decided previous to commencing his journey to the Frontier District not to confine the location of the Emigrants expected from Europe to the Albany District or Zuureveld only, but to place parties in several eligible situations throughout the Colony, His Excellency gave instructions for locating the Settlers from Cork, when they should arrive, in that subdivision of the District of Tulbagh on the West Coast called Clanwilliam.

As we found that no trace of the Original document existed in the Records of the Colonial Office, we inquired of Colonel Bird from what authority it had emanated, and by whom it was written and transmitted. Colonel Bird has stated to us in his reply that he could give no answer to our inquiries upon this subject, as he was unable to say by whom, when, or at what date it was transmitted. Altho' Mr. Brink, the Assistant Secretary, appears to have seen the document, yet we do not think that his evidence is sufficiently conclusive to entitle us to consider the Memorandum as an Official Document, authorized by the Acting Governor Sir Rufane Donkin, or trans-

mitted to your Lordship by his order. Taking however the nature and extent of Colonel Bird's responsibility upon his own admission, he has not furnished us with any means of judging in what manner he acquitted himself of it.

He has not stated to us the nature of the information that he had acquired respecting the District of Clanwilliam either previous or subsequent to the departure of the Acting Governor Sir Rufane Donkin, or whether in the performance of the duty he admits to have devolved upon him, of selecting eligible situations for the Settlers from the unoccupied Lands of the Colony, he had represented to the Acting Governor that the District in question was well or ill calculated for their reception and location.

It is somewhat extraordinary indeed that the circumstances and capabilities of a place that had been the Seat of a Sub-Drostdy as long since as the year 1808, should have been so little known in the Colonial Office, and that no greater pains should have been taken to supply it than that of obtaining in the course of a casual conversation with Mr. Ryneveld, who had served the Office of Deputy Landdrost in the year 1808, the result of his recollection. This Gentleman has stated in his evidence that in answer to the enquiries made by Colonel Bird respecting that portion of the District of Clanwilliam called "Jan Dissel's Valley," he informed him that he considered it capable of supporting a few families.

It is clear, however, that the information possessed by the Colonial Government upon the subject was of a very limited nature, as Mr. Buissinne was appointed on the 17th April 1820 to proceed to the District of Clanwilliam and to report upon it. No reason has been stated by Colonel Bird for the delay in resorting to this measure; and certainly there is nothing in the Instructions to Mr. Buissinné that tended to impress upon his mind the necessity of despatch.

As we have not been able to learn the precise period in which the Acting Governor Sir Rufane Donkin communicated to Colonel Bird his intention of providing separate locations, we cannot consider him as solely responsible for this delay in collecting information thro' Mr. Buissinné, but we can see no reason for his not making an earlier application to the Deputy Landdrost Mr. Bergh, or to the Landdrost of the District, the

persons pointed out by the existing Laws and practice as the Referee in all questions touching the nature and qualities of Land. Mr. Parker charges Colonel Bird with having given him fallacious and extravagant accounts of the fertility of it, an assertion which Colonel Bird very solemnly denies. He states that he informed Mr. Parker "of what he understood to be the case with respect to these Lands," but he has left us to conjecture what that understanding was, and in what terms it was communicated. This circumstance is the more to be regretted, as nobody was present at this interview, and as the result of the first inquiry that Mr. Parker made when it was over, excited very strong doubts in his mind of correctness of the information which he deposes to have received from Colonel Bird. From the evidence before us, we are disposed to believe that the information communicated by Colonel Bird on this occasion was not justified by the account that had been given by Mr. Ryneveld, or by the opinions generally received respecting the Lands at Clanwilliam. It is indeed manifest that the information which Colonel Bird possessed upon this subject was at least defective, from the measure resorted to of deputing Mr. Buissinné in the month of April 1820 to proceed to Clanwilliam, and report upon its capability, a measure that could not have been called for at such a period unless in the absence of all information that could be depended upon.

It is stated in the unauthorized Memorandum before alluded to, that the Acting Governor had decided, previous to his commencing his journey into the Interior, and previous also to the receipt of this Report, "upon locating the Settlers from Cork when they should arrive in the District of Clanwilliam."

As we have stated our reasons for not adopting the Contents of that Document, and as we are aware that Sir Rufane Donkin had left Cape Town the day before the Settlers from Cork arrived, we are unwilling to conclude that the determination of sending them to the District of Clanwilliam was intended by him to be put into execution previous to the Return of Mr. Buissinné or to the reception of his Report. We think it most probable that the Transport would have been ordered to be detained until this Report had been received, and that in case it had been determined to try the experiment at all, it would have been undertaken upon a reduced Scale.

The number of Individuals that were ordered to proceed to the District of Clanwilliam amounted to 349, of whom 137 consisted of Children under the age of 14 years, and the whole extent of Land called arable is not found to exceed, according to Mr. Buissinne's Report 870 Morgen, or 1740 acres. In this respect, the opinion of this Gentleman is strongly contradicted by that of Mr. Bergh, who was at that time the Deputy Landdrost of Clanwilliam. Mr. Ryneveld states generally with reference to Mr. Buissinné's Report that he has exaggerated the resources of the disposable Land, and that the Tract comprised in the Sea Cow Valley was calculated only for the reception of a few families. The Kleine Valley that was assigned to Mr. Parker is stated by Mr. Buissinné to consist of 3000 Morgen or 6000 acres, the extent of an ordinary Loan Place, and comprising 200 Morgen or 400 Acres of arable Land tolerably well watered. This account is entirely contradicted by the evidence of Persons who have resided upon and near the Land for the last three years ; but from the latest evidence that we have received we conceive that the quantity of arable Land that Mr. Parker's allotment contained does not exceed 150 acres. Calculating the average produce of this Land to be 20 for one, and the rate of sowing, as governed by the practice of the Country, to be half a muid per Morgen or a Bushel and a half for two Acres, the annual quantity of Grain that might be produced would thus amount to 2250 Bushels, furnishing a supply of 369 Pounds of wheat per day to a Party of more than 200 persons. This calculation supposes that the cultivation is always assisted by irrigation as well as by manure. The supply of the former in the Kleine Valley is however considered to be uncertain, and if the cultivation had been in the hands of many Individuals (as was intended) would have been liable to great irregularity and interruption. The Land attached to each Location of 100 Acres was not of good quality even for grazing Cattle, and thence would have arisen the difficulty of procuring Manure added to that of preventing the Trespass of Cattle.

It may well be doubted therefore whether with the very limited objects that it seems were deemed indispensable by the Local Government in the selection of Lands for the Settlers, that of "capability of subsistence" was attainable for the

number of those Persons who were ordered to be located in the tract called the Kleine Valley.

It is further declared by a Person who has lately obtained possession of the largest Portion by the purchase of several Allotments in it, that it is not capable of subsisting more than 30 Persons, and even then as Members of one family, subject to the control of one Individual.

The Pasture Land of the "Kleine Valley" including the Government Land on the Western Branch of the Elephant's River is described by another Settler who is still resident as being capable of supporting about 50 Head of Horned Cattle, from 200 to 300 sheep or Goats, 20 Horses, and from 20 to 30 Swine. It is hardly necessary to add that this quantity of Stock would have been quite inadequate to the subsistence of the number of persons of which Mr. Parker's party consisted, and equally deficient for carrying on the due cultivation of the arable Land. After submitting this Statement of the extent and quality of the Land assigned to Mr. Parker at Clanwilliam, we have found great difficulty in reconciling it with an admission that this Individual is asserted to have made in the presence of the Acting Governor, Sir Rufane Donkin, of Colonel Bird and Mr. Ellis, of having obtained in his Location 1700 Acres of good Land in the Kleine Valley. From our general observation in those parts of the Colony where the climate is similar, we should be much inclined to doubt whether a tract of Land of this description and extent could be found in Clanwilliam, but the fact of Mr. Parker having subsequently purchased and attempted to cultivate a tract of sterile Land on the shore of Saldanha Bay leads us to doubt his experience or knowledge of the qualities of Land, and certainly weakens any argument that may be founded on an admission of the quantity of fertile Land assigned to him. We feel ourselves at the same time bound to notice a discrepancy between the question that was put to Mr. Parker, and his answer, which seems to furnish an explanation of the error into which we think that he has fallen.

In answer to the question put to him as to the quantity of arable Land that his Location contained, he declared that the quantity of *good* Land amounted to 1700 Acres. Mr. Buissinné himself, who is stated to have exaggerated the resources of

the District in his Report, only estimates the quantity of arable Land in the Kleine Valley at 200 Morgen or 400 Acres, and no other person has ventured to assert that it contained so much.

It does not appear that in the appropriation of the Lands at Clanwilliam to the Head of each Party, any influence or partiality whatever was exerted or shewn by Colonel Bird ; but that on the contrary the Deputy Landdrost was directed by him for the express purpose and intention of avoiding the excitement of jealousies amongst the Settlers, to abstain from expressing any opinion of the quality of the different portions of land assigned to them.

Upon the whole of the circumstances that we have submitted to your Lordship upon this Charge, we are of opinion that no proof exists of Colonel Bird's having been actuated by any hostile disposition or vindictive feelings towards Mr. Parker in the execution of any orders that the Acting Governor might have given respecting his Location, that altho' the responsibility of the decision rested in the first instance with the Acting Governor, yet we think that it would have been more prudent in Colonel Bird to have delayed acting upon it until it had been sanctioned by the information that the Governor was in expectation of receiving from the report of Mr. Buissinné, and that as it had become the duty of Colonel Bird to point out to the Acting Governor eligible situations for the detached Parties of Settlers, we think that this duty was ill performed in the selection of Clanwilliam, and that in as far as the interests of Mr. Parker and his Party were concerned in that selection, it was injurious to him.

Before we dismiss this subject, we beg leave to call your Lordship's attention to an assertion contained in Mr. Parker's letter of the 29th Sept. 1820 relative to the Report of Mr. Buissinné on the Lands of Clanwilliam. It is stated that this Gentleman had informed several Individuals that " his Report was erroneous and different to the real Character the Lands at Clanwilliam possessed."

This information was also submitted to us by Mr. Francis, one of Mr. Parker's Settlers. After an examination of the persons named by him we do not find that Mr. Buissinné positively contradicted the opinion of the Land at Clanwilliam

that he had submitted to the Colonial Government in his Report ; but upon more than one occasion he expressed himself in terms of disappointment with it, and admits that in speaking of the District of Clanwilliam generally, it is possible that he may have used, altho' he does not recollect it, the expression of "Sandy Desert" imputed to him by one of the witnesses.

2nd Charge. In consequence of Mr. Parker's declining in the first instance to repair with his Party to Clanwilliam, he applied to the Colonial Government for permission to locate them in Saldanha Bay. For the purpose of enabling him to receive an answer to this Request, Mr. Stoll the Landdrost of the Cape District sent forward the other Parties of Settlers to Clanwilliam, and on receiving from Colonel Bird an unfavourable answer to Mr. Parker's application, and an option to remain at Clanwilliam or to proceed to the Eastern Settlements in Albany, Mr. Parker declined both, and detaching himself from his Party, left them to proceed to Clanwilliam, and remained himself at Saldanha Bay.

This refusal of Colonel Bird to allow Mr. Parker to place his Settlers there is again attributed to the personal Hostility of that Officer. In justification of his refusal Colonel Bird has stated that the greatest part of the Land on the shores of Saldanha Bay had been already granted to Individuals, and that if even it had been disposable, it was not calculated for the reception of so great a number of Persons.

Upon this last point Colonel Bird has been pleased to refer to our personal observation of the local capacity of Saldanha Bay and the land on its Shores ; and we have no difficulty in stating that we consider it as an unfit place for the reception of so large a body of Settlers, unaccustomed to the only system of Agriculture by which its resources could be immediately brought into action. It is also necessary to observe that nearly the whole of the Lands in the neighbourhood of this Bay had been previously granted to Individuals who made use of them for the sole purpose of grazing their cattle in the Winter Season, when by the fall of Rain and increased moisture an impulse is given to the vegetation of great varieties of Shrubs that cover the surface, and at the same time afford shelter to the Cattle. The Soil of which these lands are com-

posed is Sand or very light Loam, and altho' we are of opinion that in one particular spot near the Eastern Shore a supply of fresh Water might be found adequate perhaps for the wants of Shipping, yet it is the general belief, and we are ourselves apprehensive that in the adjoining Tracts, and on the shores of the Bay, no sufficient quantity could have been readily procured to satisfy the wants of a large party of emigrant Settlers, who would necessarily have been dispersed. We think therefore that it was a prudent step on the part of the Colonial Government to discourage the settlement of any large Body of People at Saldanha Bay, and as it was utterly impracticable at that time to meet the extensive schemes of Commercial Speculation that were entertained by Mr. Parker, we conceive that he has no ground of complaint whatever against Colonel Bird for having refused his request.

It is hardly necessary for us to notice Mr. Parker's charge of inconsistency against Colonel Bird for refusing to locate himself or his Party in Saldanha Bay, because Mr. Ellis had on another occasion communicated to him an offer of Sir Rufane Donkin to grant him some Land on the "Oostwaal" or Eastern Shore for the purpose of erecting Stores. The difference between the grant of an Allotment of Land containing four Acres to be applied to Commercial purposes and the erection of Buildings, and the grant of a Tract or Tracts of Land for the agricultural employment of a large Body of Settlers, or for the foundation of a Town, is too obvious to need explanation, and must have been apparent to Mr. Parker when he made it the subject of complaint against Colonel Bird.

Mr. Parker charges Colonel Bird with writing a letter to Mr. Bergh, the Deputy Landdrost of Clanwilliam, severely censuring him for having misled Mr. Parker respecting the land designed for his location, in consequence of which censure Mr. Parker attributes the coldness and altered manner of Mr. Bergh's behaviour to him on his return to the District.

The letter alluded to was addressed by Colonel Bird to the Deputy Landdrost under an impression that he had discouraged the Settlers from fixing themselves in his neighbourhood, and had made them dissatisfied with the prospects before them.

Colonel Bird further entertained some suspicions that the Deputy Landdrost did not view with satisfaction the arrival of a Body of Settlers who were destined to deprive him of all the arable and pasture land that had hitherto been devoted to his own use, and that therefore he did not zealously enter into the views of Government. There is certainly no proof afforded by Colonel Bird of this disposition of the Landdrost, and it is positively denied by him that he ever said anything to discourage either Mr. Parker or the Settlers from adopting the arrangements that the Colonial Government had traced out for their pursuit.

Mr. Bergh differed in opinion with Mr. Buissinné respecting the capacity of the Land to receive and subsist so many Families as had arrived ; but no proof has been afforded us that he said or did anything to discourage them with their prospects. The Letter of Colonel Bird however contains nothing like the language of severe censure that is imputed to it by Mr. Parker, nor does it denounce the Deputy Landdrost as inimical to the Government. Colonel Bird insisted in peremptory terms upon the necessity of giving up the portion of Drostdy Lands to the use of the Settlers, and suggested that a cordial co-operation in the views of Government by its Officers would give them the best claim to the favor of the Governor. Mr. Bergh considers that the reproof contained in this letter was sufficient to justify him in suspending the civilities that he had shewn to Mr. Parker, but we are much disposed to think that Mr. Bergh had other and more weighty reasons for withdrawing or rather limiting that hospitality with which he had so handsomely received him as well as the other Settlers on their arrival, and in proof of which we have received the most satisfactory testimony.

3rd Charge. This Charge is not one for which Colonel Bird can with propriety be considered responsible. A mistake in fixing the Boundary of Mr. Parker's Land and that of a Neighbouring Farmer is now proved to have been committed by the Surveyor who was sent at a very late period to examine the quantity of disposable Land that belonged to Government at Clanwilliam. Acting upon the directions that were given by the Surveyor, Mr. Parker proceeded to locate those members of his Party who had claims upon him for Land, and when he

notified to one of them (Mr. Woodcock) that he might take possession of 1000 acres to which he was entitled, commencing from the Northern Boundary that had been fixed by the Surveyor, it was afterwards discovered that the extent of this Grant interfered with a considerable portion of that which Mr. Parker had assigned to himself, which he had already proceeded to cultivate, and upon which he had also begun to construct a dwelling House.

The Dispute was referred for amicable adjustment to the Deputy Landdrost, upon whose recommendation a new Survey was made of the Land that Mr. Parker had granted. We are concerned to find that in making this new Survey, the Person employed confirmed the error that he had originally made, and consequently the possession of the 1000 acres that Mr. Parker had granted to Mr. Woodcock.

The Surveyor acknowledged afterwards to Mr. Parker that he had committed a mistake in fixing the original Boundaries, but Mr. Parker had already quitted his Location under a presumption that he too hastily adopted, of not being able to correct the error or to recover possession of his Land.

We do not find in this transaction any ground of Complaint against Colonel Bird, who had not the power of correcting the decisions of the Deputy Landdrost ; but as it was competent to Mr. Parker to have had that judgment corrected by bringing it before the Landdrost's Court at Tulbagh, we think that he tacitly acquiesced in the decision when he refrained from adopting the legal mode of obtaining redress.

As the Reverend Mr. Dennis had left the Colony long before our arrival, we had no other means of investigating the truth of Mr. Parker's assertions contained in this Charge than by a reference to His Excellency Lord Charles Somerset, in whose presence Mr. Dennis is said to have confirmed the allegations attributed to him by Mr. Parker. His Lordship has stated that he has no recollection of the observations that are attributed by Mr. Parker to the Reverend Mr. Dennis in December 1821, and alleged by him to have been confirmed in His Lordship's presence ; and adds that he considers it quite immaterial whether Mr. Dennis ever did make such observations.

In this opinion we beg leave to express our concurrence, for we cannot consider Colonel Bird's absenting himself from

meetings of the Bible Societies held in Cape Town, or even from the Service and most sacred Rites of the established Church, as conclusive evidence of his profession of the Catholic Faith. Colonel Bird had upon more than one occasion expressed an opinion that the Bible ought not to be distributed indiscriminately, and altho' the principles by which the Bible Society in Cape Town under the sanction of His Excellency the Governor has proceeded differ from those of Colonel Bird, we do not by any means consider that his want of conformity to them afforded any proof of his being a Catholic. On reference indeed to the evidence of the Reverend Mr. Kaufmann, the Clergyman of the Community of Lutherans, it appears that a Society consisting of himself and the Clergymen of the Dutch Reformed Churches was guided in the distribution of Bibles by nearly the same principles that influenced Colonel Bird.

4th Charge. We regret that the obscure language that has been adopted by Mr. Parker in stating the substance of this Charge, or that portion of it that is applicable to Colonel Bird, will render it necessary for us to trouble your Lordship with a somewhat lengthened explanation.

It would appear to be the object of Mr. Parker to charge Colonel Bird with having made some official misrepresentation to Sir Rufane Donkin of the sentiments of an Officer of high Rank in the Garrison, with whom Mr. Parker lived upon terms of intimacy calculated to excite in the mind of the Acting Governor unfounded and undue suspicions of the loyalty of that Individual. The proof that he gives of this act of Colonel Bird rests upon a conversation that is said to have passed between Sir Rufane Donkin and Captain Irvine, Paymaster of the 72nd Regiment, in which Sir Rufane had intimated his intention of calling all the Field Officers together, and of interrogating them individually upon the state of their disposition towards himself and his Government. A Report had reached one of the Field Officers that a letter of Mr. Parker had been addressed to Your Lordship in which speaking of the disaffected persons in the Colony, he had alluded to an Officer of Rank with whom he was in the habit of intimacy, and that the Letter had been returned to Sir Rufane Donkin, who was proceeding to act upon it.

Major Nicholl, who conceived that the imputation might be fixed upon him, from having shewn much kindness and hospitality to Mr. Parker, hastened to make an avowal of his constant attachment and Loyalty to the Colonial, as well as to all other Governments. It was afterwards proved, and it would appear satisfactorily to Mr. Parker, that no such passage as he and this Officer suspected was to be found in the original Letter that he had transmitted to Your Lordship, and Mr. Parker without alluding to any proof from other sources, then very boldly swears that the passage must have been a "palpable interpolation" of Colonel Bird for the purpose of irritating the mind of Sir Rufane Donkin. We have certainly felt all the difficulty that Colonel Bird has experienced in putting any construction upon this passage that would furnish a reasonable conclusion from the premises that Mr. Parker has stated. From a clerical error that occurred in the Copy of Mr. Parker's affidavit transmitted by us to Colonel Bird, the word "interpolation" was substituted for "interpretation," but the latter word is made use of in the original affidavit, and if any rational meaning can be assigned to it, it must be that of an impression made upon Sir Rufane Donkin's mind by some misconstruction or misrepresentation of Colonel Bird, of the hostility towards him of an Officer of high Rank in the Garrison. He has however truly observed that in his capacity as Colonial Secretary he could not be affected by this Charge. The Copy of Mr. Parker's letter that was sent to Sir Rufane Donkin was made in the Office of Your Lordship, and it has been declared upon the authority of a Parliamentary Friend of Mr. Parker, that the original Letter that he addressed to Your Lordship contained no passage that could excite any suspicion of the dispositions of the Officers of the Garrison towards their Commander.

We observed before that Mr. Parker has produced no proof of his assertion that Colonel Bird was the author of the suggestion to Sir Rufane Donkin, but has obscurely alluded to the cordiality of his reception from the Officers of the Garrison, after they had heard the report of their suspected fidelity, and to the sympathy they expressed in the triumph he had gained over the arts of Jesuitism.

From the evidence of Major Rogers, Military Secretary to

Sir Rufane Donkin, it would appear that the attempt, whatever it may have been, to create suspicion in his mind of the loyalty of Major Nicholl had never been successful, for it had been discredited and ridiculed by the Acting Governor, who had treated Major Nicholl with marked attention.

After the foregoing explanation of this very vague Charge, it is hardly necessary that we should add our entire disbelief of Colonel Bird's having made use of any influence he might have possessed over the mind of Sir Rufane Donkin for the purpose described by Mr. Parker.

5th Charge. To the charge of not having qualified for his office of Colonial Secretary, Colonel Bird has answered that he had taken the Oath prescribed by Law. On referring to the Book in the Colonial Office wherein the names of those Persons are recorded who have filled Offices of Trust and Profit in the Colony since the Government of General Dundas and who have taken Oaths, we find that of Colonel Bird inserted on the occasion of his appointment to the Situation of Deputy Secretary. The Oaths to which the names inserted in the pages of this Book are subscribed, consist of the Oaths of Allegiance, comprehending that which was ordered to be taken after the year 1766, the Oath against Transubstantiation, and in cases where Inhabitants of the Colony are appointed to Situations of Trust and profit, who profess and observe a mode of worship different from that of the Church of England, of the Oath prescribed by the 14th George 3rd commonly called the Canada Oath. As the insertion of these several Oaths in the Book is strictly consecutive, and as the names of the Civil Servants (with the exception of those of Lt. General Francis Dundas and Lieutenant General Sir John Francis Cradock, which we found subscribed immediately under the Oath of Transubstantiation) are crowded into nine folio Pages, it is difficult, indeed impossible, to say to which of the Oaths that precede them the names subscribed respectively apply, but this miscellaneous entry of names is of less importance in the present case, as Colonel Bird has stated in his answer to this Charge that he has taken and subscribed the Canada Oath, and considers that he has thereby complied with all the requisites of the Law. At the time that Mr. Parker drew up

his Affidavit, Colonel Bird had not been called upon, nor had he taken any Oath that qualified him for the Situation that he lately held of Colonial Secretary, and until the receipt of an express instruction that the Oaths of Office should be administered to him.

The question was brought forward in the month of September 1823 ; Colonel Bird declared his willingness to take the Canada Oath, but the Governor having declined to authorize the administration of that Oath, Colonel Bird applied to the President of the Court of Justice, Sir John Truter, who being unaware at the moment of the distinction between the several Oaths of qualification for Office, or of the necessity of being authorized by the Governor to administer them, proceeded nevertheless (at Colonel Bird's request, and without any such authority) to perform that duty.

Colonel Bird has contended in his answer to Mr. Parker's Charge, that the Canada Oath is the only one that he can be required to take, or that the Governor has authority to administer under his Commission, and that such authority is equivalent to that of a Legislative Instruction for the Government of a conquered Colony issued by the King in Council and regulating the admission and qualifications of Civil Functionaries. We certainly find that the dispensing Clauses in favor of persons professing any other mode of Evangelic Worship than that of the Protestant Established Church form parts of the Commission and Instructions under which the Governor now acts, and we believe that the delay that took place in the administration of the Oath to Colonel Bird arose principally from the circumstance of his religious opinions and principles not having excited either doubt or attention in the Community, and from its not having been customary to require the repetition of the Solemnity from persons who succeeded to a higher Rank in the same Department.

The two Grants of Land that Mr. Parker charges Colonel Bird with iniquitously and unjustly obtaining consist of a small uncultivated Tract that lies upon the declivity of a Hill extending towards Hout Bay, distant about Ten Miles from Cape Town, and of an allotment of Land in Cape Town that is very advantageously situated.

The Tract of Land near Hout Bay was particularly described

and inspected by Mr. D'Escury in the year 1818 when there was an intention of granting it to Baron Van Hogendorp, a Dutch Gentleman who was desirous of transferring to this spot both Capital and Labour from Holland. The extent of the Land does not exceed 224 Morgens, or 448 Acres, of which 44 Morgen are described as capable of being cultivated. In case any portion should be devoted to the culture of the Vine, it would require as large a supply of manure as all the other parts of the Estate were capable of furnishing.

Its principal value therefore consisted in its contiguity to Cape Town, its fitness for the cultivation of the Vine and Vegetables is unquestionable, and from the success that has attended the exertions of a neighbouring Cultivator, may be highly estimated.

The Land however requires a considerable portion of Capital and Labour to be bestowed upon it, as the most fertile part is swampy and covered with a large broad leaved aquatic Shrub called Palmiet.

The Rent fixed by Mr. D'Escury in the year 1818 upon this piece of Land was 203 Rixdollars per annum, being an assessment of 10 per Cent upon the estimated produce of the Land fit for grazing, and of 25 per Cent upon the arable Land or Vineyard. A Memorandum without date appears to have been noted by Mr. D'Escury in his Books implying an acknowledgment of an error in calculating the Quit Rent upon the gross profits of the arable land of Baron Van Hogendorp's Estate at 25 instead of 10 per Cent.

In a later explanation he states that it could hardly be deemed an error, for he found on reference to the Reports of his Office of the same date as that of Baron Van Hogendorp, that 25 per Cent had been fixed in some cases as the Rate of Quit Rent on Lands, altho' in the later periods it has generally been reduced to ten.

For reasons with which we are not acquainted, Baron Van Hogendorp never accepted the Grant; and in the year 1820 his Agent signified to the Acting Governor, Sir Rufane Donkin, that he resigned all Right or pretensions to it. An application for the Land was then made by the present Fiscal, Mr. Denyssen, who offered to pay the arrears of Quit Rent then due, amounting to 650 Rixdollars, and to continue the payment of it in future

at the same annual Rent at which Mr. D'Escury had fixed it, viz. at 220 Rixdollars per annum.

Colonel Bird has stated, in his answer to this charge, that he did not apply for this Land, and that he did not know that it was disposable till he received Sir Rufane Donkin's Letter in which that circumstance was stated, and "the Land was placed at his option." Whether Colonel Bird had ever before verbally expressed a wish to receive a Grant of Land, or had signified a preference of the neighbourhood of Hout Bay, we are not able to ascertain, as the letter, from whence he makes his extract, being a private letter from Sir Rufane Donkin, was not subject to our examination.

But we think it extraordinary that in the absence of any such wish the relative superiority of Colonel Bird's services should then for the first time have occurred to the Acting Governor, and that he should have considered that they were adequately remunerated by a grant of Land not exceeding in extent 448 acres.

We have not received any positive proof that the application of the Fiscal for the Land had been submitted to Sir Rufane Donkin previous to his Offer of it to Colonel Bird, but we think there was great probability of its having been so, as in his letter to the Colonel he states that applications had been made to him for it. Subsequent to the refusal of the Fiscal's application for the Land at Hout Bay, we find that he received a Grant of Land in the vicinity of Cape Town which he immediately sold for the sum of 12,000 Guilders or 4000 Rixdollars. We also find that the Landdrost of the Cape District Mr. Stoll obtained a Grant of Land called "De Nieuwe Colonie" near Riet Valley in the same District, which he immediately sold for the Sum of 12,000 Guilders without any previous inspection and report having been made by the Landdrost and Heemraden respecting the Quit Rent, and without ever having cultivated any portion of the Land so granted. We notice these contemporaneous Grants, as the duty of inspecting the Lands granted in the District devolved upon this Officer in whose favor the Regulation was suspended.

Colonel Bird having accepted the offer of the Land at Hout Bay, shortly afterwards addressed a Letter as Colonial Secretary to the Principal Officer in the Land Revenue Office informing

him that His Excellency the Acting Governor had been pleased to cancel the Lease that had been granted to Baron Van Hogendorp. We are led to suppose that there had been some error in the use of the word "Lease" in Colonel Bird's Letter, as the form of concession of the Land to Baron Van Hogendorp was that of Grant in consideration of the payment of a very high Quit Rent. The Grant however was cancelled, and a new one prepared and executed in favor of Colonel Bird, in which without a new Survey or apparent reference to the usual Authority of the District, the Quit Rent which had been estimated at 220 Rixdollars to Baron Van Hogendorp was reduced to 25 Rixdollars per annum in favor of Colonel Bird, and no notice was taken of the arrears of Quit Rent then due, as the Grant to Baron Van Hogendorp had been cancelled.

The Land was not very valuable either in quality or in extent, and must have occasioned to its Possessor a considerable expenditure of Capital before it became profitable or productive. Mr. Denyssen has stated that he had only a general acquaintance with it at the time he made his offer, and for an estimate of its value he relied upon the information of others. The estimate of the Inspector of Lands, in which the Rate of assessment on the produce of that part of the Estate that was capable of cultivation is fixed at 25 per Cent, may be considered to be unreasonable; and altho' similar valuations were made by him at that period, yet he has latterly found it necessary to reduce them as low as 10 per Cent. Some reduction therefore in the amount of Quit Rent might have been reasonably expected in a new assignment of it. As the Grant to Colonel Bird must be taken to have been made by the authority of the Acting Governor, Sir Rufane Donkin, we are bound to consider that the reduction of the Quit Rent from 220 to 25 Rixdollars per annum was made and sanctioned by His authority, and that Colonel Bird is not responsible for a remission that affects the Public Revenue. We think it however our duty to notice the deviation from the existing Regulations that took place in this transaction, by not submitting the assessment of so low an annual Quit Rent as that of 25 Rixdollars to the judgement of the Landdrost and Heemraden of the District, and in the second instance to the opinion of the Inspector of Lands and Woods, who could not

have failed to notice the disparity of the amount of Quit Rent that had been charged by him against Baron Van Hogendorp and that which was ultimately charged against Colonel Bird.

The same feelings of delicacy by which he says he was restrained from applying to former Governors for Grants of Land ought, we think, to have equally prevented Colonel Bird in this instance from accepting a Grant upon any terms that were inconsistent with the existing Regulations, or disadvantageous to the Public. If the Colonial Regulations had been observed, we think that the offer made by Mr. Denysen would have been known, and that the disproportion between the two assessments would have been corrected.

The Situation of this Land contiguous to a Small Port, and accessible to the Market of Cape Town, seems to have constituted an attraction to the English Settlers; and we are bound to observe that Colonel Bird has hitherto made no effort to improve these advantages, or to bring the Land into cultivation. We are not aware that he has even occupied it.

The Building Allotment in Cape Town, granted to Colonel Bird by Sir Rufane Donkin, consists of a Plot of Ground measuring 89 feet in front and 168 feet in depth. It constituted formerly the site of a Cooperage Yard for the service of the Naval Department, and contained sheds for that and other works, which on account of their ruinous state, were pulled down in the year 1813, soon after the Office of Customs had been transferred to a Building in Caledon Square.

Upon the removal of the Naval Depot from Cape Town to Simon's Town in the year 1814 the Offices of that Establishment were assigned to the use of the Department of Customs, and have continued ever since to be occupied by it. The Allotment of Colonel Bird immediately adjoins one of the Custom House Stores; it fronts the largest Square in Cape Town, and has a very convenient access to that part of the Sea Shore on which it has been in contemplation to build a new landing wharf. It is situated at a very little distance from the Colonial Offices and Commercial Exchange, and may therefore be considered as one of the best situations that Cape Town now affords either for a Commercial or Town Residence. The Allotment had never been used or occupied by any of the Departments since the Buildings upon it were first taken down

in the year 1813 ; and Colonel Bird conceives and asserts that it was not, and is not likely to be wanted for Public purposes.

It is stated however by Mr. Wilberforce Bird, the Comptroller of the Customs, that when the system of Bonding Goods was introduced at the Cape, such was the demand for store room at the Custom House that permission was granted to the Merchants to bond their Goods in their own Warehouses, upon the security of the Custom House Locks.

This System, when confined to the Custom House Stores, produces a Revenue to the Colony of 2000 Rixdollars per Annum, and altho' in the present state of the Trade at the Cape further accommodation for Goods is not required, yet in the event of a more liberal indulgence being granted to the importation and deposit of Foreign and Oriental produce, much advantage and convenience to the Department of Customs would be derived from possessing the means of extending the present number of Warehouses upon the only vacant and contiguous ground. In our correspondence with Colonel Bird we took occasion to state these observations, and after strongly urging his right to retain the Grant, he proposed to concede the Allotment if required for Public purposes for an equivalent from the opposite Square, and contiguous to the Commercial Exchange and Buildings.

The value of these two Grants may in some measure be estimated by an advance that was made to the amount of 10,000 Rixdollars by the Directors of the Lombard Bank to Colonel Bird in the Month of June 1823, and which was secured upon the Lands themselves as well as the joint and several obligations of Mr. Stoll the Receiver General, and Mr. Brink who was the first Clerk in the Colonial Secretary's Office. This Sum was advanced on a valuation made by the Directors themselves, and according to an article of their Instructions, in which they are directed to limit their advances on Mortgages of Property in Cape Town to one half, and to those in the Country to two thirds of their real value, a discretion being reserved to the Directors of augmenting or diminishing the advance according to their own estimate of local advantage.

The Building Allotment in Cape Town was valued at 20,000 Guilders, or 6,666 Rixdollars, and the Land at Hout Bay at 30,000 Guilders or 10,000 Rixdollars, and the two Grants were

dated and executed by the Acting Governor on the 10th July and 1st September 1821 and not as Mr. Parker erroneously asserts on the approach of Lord Charles Somerset to the Colony, at his return to it in November 1821. From the evidence that we have received of the probable value of the Allotment in its present state, we are much disposed to think that the valuation made by the President and Directors of the Building Allotment in Cape Town is correct, but that they are greatly in error as to the valuation of the Land near Hout Bay. The collateral securities however that they have taken being as we conceive sufficient to cover any deficiency of value in the Lands themselves, we do not in this place think it necessary to press that consideration.

Such are the circumstances under which the two Grants of Land were made to Colonel Bird, and that as far as we have been able to discover appear to have furnished occasion to Mr. Parker to stigmatize them with the characters of iniquity and injustice. Colonel Bird in his defence appeals to the practice that has long prevailed in the Colony of bestowing upon the principal Civil Servants Grants of Land of much larger extent and value than his own, and he has named Mr. Henry Alexander, Sir John Truter, Mr. Ellis, and Mr. Rivers, who have all shared the bounty of the Colonial Government without ever exciting either surprise or objection. Colonel Bird further states that (which indeed we believe to be strictly correct) if he had not been restrained by motives of delicacy it has been repeatedly in his power during his long period of Service in the Colony, to have availed himself of the favorable dispositions of the several Governors under whom he has served, and to have obtained Grants of Land to any extent. We do not at present consider it necessary to examine, or on the other hand to question the claims of Colonel Bird to such remuneration. In as far as his claim is founded upon precedent, the reference that he has made to the practice that has prevailed of conferring Grants of Land upon other Civil Servants is, with some qualifications, confirmed.

Sir John Truter, the present Chief Justice, has received several Grants of Land since the year 1808 in the Cape District, amounting to 17,312 Acres, but subject to annual Quit Rents ; and in the Swellendam District he has also received Grants to

the extent of 6,676 Acres, free from Quit Rent. The late Colonial Secretary, Mr. Alexander, received Grants of Land in the District of Stellenbosch, subject to Quit Rent, to the extent of 10,444 Acres, and in the Cape District 296 Acres, free from Quit Rent. Mr. Rivers also, the late Landdrost of Albany, received a Grant of 6212 Acres subject to a small Quit Rent, and they are not the most considerable Grants that have been made to one Public Servant in the Colony. When compared in point of extent and value with these, the Tract of Land that we have described in Hout Bay appears to be very insignificant; and if the principle of bestowing Grants of Lands on the Civil Servants of the Colony in the shape of remuneration for their Services, without the approbation of His Majesty's Government, were recognized, it would be liable only to the objections that we have already stated, and which apply to the situation of the grants and the manner in which they have been made, rather than to their value and extent.

In justification of the grant of the Building allotment in Cape Town, Colonel Bird has quoted an instance in which His Excellency Lord Charles Somerset recommended the Burgher Senate to grant a large vacant Allotment opposite the Castle, and in a convenient situation for Trade, to an Individual who had been at the expense of bringing out Building materials from England to a very large amount for the purpose of forming an extensive Commercial establishment in Cape Town. The Burgher Senate acceded to His Lordship's suggestion upon the principle of giving encouragement to the introduction of Capital and its application to the improvement and embellishment of the Town. The advantage of this system has been manifested in the construction of a very handsome edifice at the entrance of the Town, together with extensive Stores and commercial Buildings attached. Although we entirely agree in the expediency of taking advantage of the Capital of Individuals thus offered to be employed in the improvement of a Town, yet we confess that we see little resemblance between the two cases as they now stand of Mr. Harrington and Colonel Bird, for the allotment of the latter is nearly in the same condition in which it was found by the Department of Customs on their return to it in 1816, a vacant space, covered with loose masses of the remains of former Buildings.

Feeling that this circumstance might appear to throw a doubt upon the motives of the Grant, we requested to be informed by Colonel Bird of the reasons that might have occurred to prevent him from building upon his Allotment, more especially as in his Defence he has stated that in a conversation with Sir Rufane Donkin he had said that in case he obtained the grant of the allotment he would build a House upon it for the residence of himself and family. Colonel Bird in a subsequent letter to us endeavoured to counteract the force of this pledge, by stating that altho' he looked upon his title to the allotment to be as secure as that which is derived from any other grant of Land made by a British Governor in this Colony, yet that in consequence of reports having reached it soon after the return of Lord Charles Somerset in the year 1821, that all grants that had been made by the authority of Sir Rufane Donkin would be cancelled by His Majesty's Government, he felt reluctant to lay out any money in building upon it. We confess that we are not much impressed with the force or the fairness of this reasoning, inasmuch as the same motive that Colonel Bird alleges for refraining to build upon the Allotment, and laying out his own money upon it, ought equally, or perhaps more strongly, to have prevented him from soliciting an advance from the Bank, and risking the Security of his friends in the year 1823, on property which he had considered to be insecure at as early a period as the year 1821.

Colonel Bird is not disposed to admit that the allotment was valuable to the Colonial Government from its position; and urges that even if additional Stores were required for the Department of Customs in the event of an extension of the Bonding System, yet that in the present depressed state of its Finances it is much more for the interest of the Colonial Government to hire Stores than to build them. If the views of the Colonial, or any other Government, in the disposal of Town Allotments were limited to the present moment, this reasoning might be admissible; but we think that the Commercial advantages of the Situation of this Allotment, whether present or prospective, and the limited accommodation afforded by the building now appropriated to the Public Offices, ought to have influenced an Officer of the Government as well

acquainted as Colonel Bird must be with its wants and interests, in refusing an offer, the acceptance of which might expose it to present embarrassment, or eventually to the expense of repurchasing at a very high price, or exchanging at a great sacrifice, one of the very few good situations for building that remain in Cape Town.

Lastly, we beg to submit that the Allotment in question forms a portion of the real property that was pledged by Lieutenant General Sir David Baird upon the last capture of the Colony for the security of the Paper Money then in circulation ; and we are not at present aware that any alienation of this description of property has been suffered to take place without the sanction of His Majesty's Government.

7th Charge. As we found that Mr. Parker's assertion of Colonel Bird's having made liberal remittances to certain Members of his Family in aid of the Catholic Establishments which they superintended was corroborated by his Oath, we felt it our duty, however reluctantly, and in obedience to your Lordship's general instructions, to investigate the grounds of Mr. Parker's charges, to include it in the Extracts that we transmitted to Colonel Bird. Colonel Bird has denied the charge, pledging at the same time his word of honor, and stating his readiness to confirm it by oath, that he never did remit any money to the Individuals named by Mr. Parker. Altho' we are unable to discover the criminality of such an act, if even it were true, we feel assured that your Lordship will excuse us from not having carried our inquiry further. We are therefore unable to state whether the Catholic Establishments in England mentioned by Mr. Parker have prospered by the large remittances of Colonel Bird from this Colony ; but we do not think it probable that with a large Family, some of whom have received liberal educations in England, and with the expenditure occasioned in the building of a good Country Residence near Cape Town, Colonel Bird could have afforded to make such heavy deductions from his income as Mr. Parker's Statement implies.

8th Charge. We have found great difficulty in obtaining any direct evidence in support of this Charge ; and we certainly could not have expected to obtain such proof as would have supported the positive and strong allegation that it contains

of an usurpation of the powers of Government by Colonel Bird, or of his having completely ruled Sir Rufane Donkin during his administration of the Colony.

It is known to us that a belief of Colonel Bird's influence over the mind of Sir Rufane Donkin prevailed in the Community, and it probably arose from the custom that has prevailed of addressing all Memorials, as well as personal Applications, in the first instance to the Office of the Secretary to Government recognized as the Colonial Office, as the Secretary to Government has been designated the Colonial Secretary. The result of an interview with Colonel Bird was frequently sufficient in the minds of the Dutch and native inhabitants to inspire confidence of success with the Governor, and hence had arisen a strong and prevailing opinion of Colonel Bird's influence, which had received additional strength from its long duration and the general expectation of its continuance.

It was natural that the Acting Governor should have placed much reliance upon the knowledge that Colonel Bird possessed of the affairs of the Colony; and it has also occurred that he had been induced, upon his return to the Seat of Government, to rescind or suspend some of the orders that he had given when in the distant districts of the Colony. As the communications between Sir Rufane Donkin and Colonel Bird on these occasions were of a private nature, we have had no opportunity of examining them, or of drawing inferences from the only true sources of information upon the real State of their mutual relations.

In the choice of the District of Clanwilliam for the location of Mr. Parker and the Settlers who accompanied him, the testimony of Mr. Ellis is very strong and positive in fixing the responsibility of that measure upon Sir Rufane Donkin alone.

We have learnt that the Acting Governor made himself generally and very regularly accessible to persons of every Class; and altho' instances have occurred both in our inquiries upon this and other subjects, wherein denials to solicitations have been given by Colonel Bird where a strong assent had been previously given by Sir Rufane Donkin, and that the former prevailed, yet we have found nothing that could establish against Colonel Bird the very improbable charge of having

usurped the powers of Government, or of having completely ruled Sir Rufane Donkin.

9th Charge. As this article of charge accuses Colonel Bird of endeavouring to form a Conspiracy for the purpose of supplanting the Protestant and Reformed Religion of the Colony by the introduction of Popery and Jesuitism, we were prepared to expect that Mr. Parker would have been able to furnish the names of those persons who, if the charge against Colonel Bird be true, must necessarily be implicated in it. The attempt must be confessed to be a very bold and arduous one in a Colony where more than nine tenths of the Community consist of rigid Calvinists, and in which the Catholic portion of it is far from being powerful or wealthy. Without entering into a detailed reasoning upon this subject, we may venture to assure your Lordship that there is no part of his Majesty's Dominions in which the influence of Catholicism is so unlikely to prevail, and where it is so sure to meet with a powerful counteraction, as in the Districts of the Cape of Good Hope.

Mr. Parker however has stated that it was by influencing the appointment of Catholics to high Situations in the Colony that Colonel Bird sought to accomplish the object of the Conspiracy ; and as he has fortunately named the persons to whom he conceived his observation applied, he has afforded every facility for explanation that Colonel Bird could have desired.

It is necessary that we should here notice (and with the same purpose that Colonel Bird has done) the disingenuous attempt made by Mr. Parker to give an apparent increase to the number of appointments supposed to have originated in his influence, by a separate enumeration of the Offices, which he must have known were held by one and the same person, in each of the Districts of the Colony except that of the Cape. Thus a Landdrost of a District is a Political Commissioner, and presides in that Capacity over the ecclesiastical administration of the District ; he is also President of the Matrimonial Court ; and these functions altho' separate in their nature have in no instance been disunited excepting in that which has been just mentioned.

Mr. Parker first names Captain Trappes as one of the instruments selected by Colonel Bird for the propagation of

Jesuitism and forwarding the Conspiracy against the Protestant Religion. This Gentleman, after serving some time in this Colony with his Regiment and establishing some claim from his active professional exertions, was appointed by Sir Rufane Donkin to be provisional Magistrate at Bathurst. Whatever might have been the degree of influence that Colonel Bird exercised over the mind of the Acting Governor, the moment in which this appointment took place was not favorable to its exercise, for the former was at Cape Town, and the latter many Miles distant from him on the Frontier. The appointment was only of a temporary nature, and Captain Trappes having served for some time on the Frontier might have fairly expected according to the ordinary course in which such appointments had been previously made, and in the event of any becoming vacant or newly created, that his claims should not be overlooked. On the return of His Excellency Lord Charles Somerset to the Colony, the Civil Appointment of Captain Trappes at Bathurst had terminated; and on the occurrence of a vacancy occasioned by the retirement of Mr. Fischer and the removal thither from Tulbagh of the chief administration, Captain Trappes was selected by Lord Charles Somerset as the most eligible person then in the Colony and willing to fill the situation of Landdrost of Worcester. The religious principles of Captain Trappes did not appear to be admitted by Colonel Bird in his defence; and as we had no reason to rely implicitly upon the assertion of Mr. Parker, we were compelled to refer to Captain Trappes himself, who has frankly stated to us that he is a Member of an ancient Catholic Family, but that he never was a Member of the Society of Jesuits, nor had received his education in any of their Seminaries.

We have been unable to detect in this transaction any symptom whatever of Colonel Bird's influence; and we believe that the circumstance of Captain Trappes' religious belief was very little known to any person in the Colony except to Colonel Bird and Mr. Parker.

The explanation afforded by Colonel Bird of the appointment of Major Jones to the Military and Civil Command in Albany is in our apprehension quite satisfactory, and altogether acquits Colonel Bird of any participation in the views imputed

to him by Mr. Parker. Major Jones professed the Roman Catholic Religion, but appears to have been selected by Sir Rufane Donkin on account of his acquaintance with him in the course of their Military Services in Europe.

The appointment of Mr. Schonberg to the Landdrostship of Swellendam is the last instance quoted by Mr. Parker ; but the Certificates produced by Colonel Bird and signed by the Senior Clergyman of the Calvinistic Church in Cape Town sufficiently attest that Mr. Schonberg himself was baptized and afterwards admitted a Member of that Church.

Mr. Parker has limited the proof of Colonel Bird's attempt to introduce Popery into the Colony to the appointments we have just mentioned ; but we have not been able to discover any other instances in which a similar influence could be supposed to have been exerted ; and we conceive that those cases in which Colonel Bird has exerted influence have generally shewn that his ruling motive was that of giving encouragement to native talent cultivated under his own eye and direction in the Colonial Office, and with the single exception of the Reverend Mr. Scully, which certainly has not proved to be a fortunate one, we are not aware that any Member of the Catholic persuasion either held a Civil Situation in the Colony or had been recommended by Colonel Bird.

A continuation of the proof of Colonel Bird's conspiracy to introduce popery into the Colony is exhibited in this Charge, and the overt acts consist of the donation of ground by the Burgher Senate, and a large Sum in the year 1820 for the erection of a Roman Catholic Chapel, the endowment of the Priest with an annual Salary, the appointment of him to an Office in the Public Library, and the apparent sanction that was given by some of the authorities to the subscription for the Catholic Chapel by announcing themselves as the Receivers. The charge concludes with asserting that there is no Church in Cape Town for the numerous Protestant Inhabitants, altho' repeated applications have been made by the English Civilians thro' the Colonial Chaplain with offers of large subscriptions to build one ; and that they have been uniformly discountenanced by the Colonial Government.

Perhaps it would be sufficient that we should refer your Lordship to the answer and explanation that Colonel Bird has

furnished us upon this subject, for upon none do we think that he has been more completely successful not only in falsifying the charge itself, but in vindicating his own share of the praise to which he was entitled for the support of those Establishments, the ruin of which Mr. Parker has solemnly sworn that he was compassing.

In the year 1821 the Roman Catholic Clergyman Mr. Scully, who upon the recommendation of Bishop Slater had been sent to officiate in this Colony, addressed a Memorial to the Burgher Senate, (under whose administration the Town Allotments are placed) praying that they would be pleased to make a grant of one of the two allotments that he pointed out for the purpose of erecting a Chapel, Clergyman's Residence, and School. The Directors of the Catholic Congregation immediately supported this Memorial by one to the same tenor from themselves, alleging that a considerable augmentation had been made to the Catholic Community by the arrival of parties of Settlers from Ireland who were unprovided with a Minister of their own communion, and by the number of Catholics of which one of the Regiments then in Garrison was composed. Upon an assurance from the Officer commanding the Corps of Engineers that no detriment would be caused to the Fortifications and Defences of the Town by this alienation, the Burgher Senate received the permission of Sir Rufane Donkin to alienate the allotment of Land to the Catholic Minister and Congregation for the purpose before expressed.

Subscriptions for building a Chapel, Clergyman's Residence and School were solicited by the Reverend Mr. Scully in a public advertisement ; and in the List of Subscribers are to be found the names of most of the Protestant Clergy and leading Individuals in Cape Town. Mr. Stoll, the Landdrost of the Cape District, was named by Mr. Scully to receive the Subscriptions ; but we find that this nomination was made without Mr. Stoll's consent, and that he had only permitted a List of the Subscribers to remain at his Office.

An application was made by Mr. Scully as late as the year 1823 (after the return of Lord Charles Somerset) to the Lombard Bank for a Loan of Money, which appears to have been granted to the amount of 6,000 Rixdollars, upon the security of certain respectable Individuals of the Catholic Community, and of the

Buildings that were to be erected, consisting of a Chapel, Clergyman's House and School. These are far advanced, and built upon a good plan, but further pecuniary aid is still required for their completion.

In these transactions we have not been able to detect any circumstances that can be fairly attributed to the influence of Colonel Bird ; for by the evidence of Mr. Stoll who was then Acting President of the Bank in the absence of Mr. Marshall, we find that he acceded to the request of the Catholic Congregation upon his own views of its propriety, and with reference to similar assistance that had been afforded by him to other denominations of Christians in the Colony. We also conceive that the donation of an allotment of Land for the purpose of building a place of Worship for the Catholic Members of the Community was an act of becoming liberality on the part of the Burgher Senate, and one which might be fairly expected of them without any interference on the part of higher authorities.

The number of Catholics in Cape Town had much increased in consequence of the influx of Settlers and Labourers from Ireland, who had left their locations, especially those in the Clanwilliam District, and a great majority of the Soldiers of the 38th Regiment then in Garrison were Roman Catholics.

These Persons were permitted and had been accustomed to attend the performance of the Religious duties of their Communion in a temporary Building provided and fitted up by the Catholic Congregation in Cape Town, and were attended by the Clergyman without any other remuneration than that which the Directors allowed him out of their own funds.

During the period of the Batavian Government two Catholic Clergymen had been supported and paid for the express purpose of attending to the Religious Duties and exercises of such Individuals of the Garrison as professed the Catholic Religion ; and with this recent example before them it is not to be wondered that the Burgher Senate should have felt disposed to receive favorably the very reasonable request of the Catholic Congregation, or to have afforded them the means of decently assembling together for the performance of the Rites of their own Church.

An application was made by the Catholic Congregation to

the Acting Governor for a pecuniary Allowance to the Clergyman, in consideration of the augmentation in his duties from the arrival of the Settlers. Colonel Bird has stated that he informed the Members of the Catholic Congregation that they must not expect that their application would be successful ; and that he expressed his doubts in writing as to the expediency of acceding to Mr. Scully's request. Upon referring to the Registry in which these opinions of the Chief Secretary to Government are recorded before they were submitted to the Acting Governor, we find that altho' Col. Bird submitted to him the propriety of waiting for the sanction of His Majesty's Government to the proposed Salary, he alluded in strong terms to the justice of bestowing it as well as to the liberal example of the Batavian Government in the remuneration of similar Service.

It is further stated by Mr. Parker in the same article of Charge that the Catholic Priest who officiated in the Chapel was also appointed to the Situation of Librarian of the Public Library, of which Establishment Colonel Bird then was by virtue of his Office the presiding Member. Now the Reverend Mr. Hough, the Principal Chaplain of the Colony and a Member of the Committee, has declared that to the best of his knowledge and belief the Reverend Mr. Scully was never proposed for the Situation, and it is certainly true that he never filled it. His name was once mentioned by Colonel Bird to the Reverend Mr. Hough as being a fit Person for the Office, and a reference was made by him to similar Institutions in Protestant Countries in justification of the employment of a Catholic Minister ; but no wish was intimated by Colonel Bird that Mr. Hough should adopt the suggestion or that Mr. Scully should be proposed.

In the concluding part of the same article Mr. Parker contrasts the encouragement which he alleges to have been given through the influence of Colonel Bird to the Catholic Religion with the indifference manifested by the Government towards the interests of the Protestant faith. He states "that there is no Church in Cape Town for the numerous English Protestant Inhabitants, altho' repeated applications had been made to the Colonial Chaplain, (the Reverend Dr. Jones) with an offer of large Subscriptions, which plan the Government never countenanced." If it was the intention of

Mr. Parker to involve Colonel Bird in the Charge that he here makes against the Government, he has been more unfortunate than in any of the preceding accusations. It is fully proved by the evidence of the Reverend Mr. Hough that Colonel Bird manifested anxiety on more than one occasion to give effect to the Wishes expressed by many Individuals of the English Protestant Community to raise a Fund for building a Church by Subscriptions, and pointed out other sources of Public assistance in the event of any deficiency in them.

He further submitted to His Excellency Lord Charles Somerset a list of the names of the Persons who were willing to become Subscribers, amongst which were his own and that of the Reverend Mr. Hough, and there is every probability that the object of the application would have succeeded, if it had not been met by an objection on the part of the Governor to resort to the medium of a public subscription for the purpose of building a Church for the celebration of the National Religion. Altho' it is true as Mr. Parker states that the English Protestants have no place of Worship of their own, yet he ought not to have forgotten that they have the use of the Dutch Protestant Church on Sundays, where they have the benefit of ample accommodation; and it may be partly attributed to that circumstance that the Local Government has been less solicitous in providing for the building of an English Protestant Church until it could be effected without taxing heavily the pecuniary means of its Members. If however the zeal of the Local Government has not kept pace with that of Mr. Parker, it is very clear that Colonel Bird is not to blame, but that on the contrary he has manifested a very creditable and liberal feeling towards a Community in whose religious wants he could not be expected very deeply to sympathize, and that by his exertions in promoting the means of constructing a Protestant Church he is fully entitled to repel the unjust insinuation conveyed in Mr. Parker's last Charge of shewing any neglect of its interests.

We here beg leave to conclude our examination of the various subjects of charge that have been abstracted by us from the Affidavits and Memorials of Mr. William Parker against Colonel Bird; and if any other criminatory matter that these Documents contain should have escaped our notice,

we must attribute that circumstance to the difficulty that we found in adopting matters of opinion or loose and desultory observations as proper grounds for criminal accusation.

As we have in the course of this Report submitted our opinion upon each Charge, it will not be considered necessary that we should recapitulate the substance of them ; but we think it right at the same time to observe that Mr. Parker appears to have arrived in this Colony with very exaggerated notions of its agricultural and commercial Resources, and very vague and unfounded pretensions.

From the answers that we observe were given to his official applications before he left England, he had no reason to expect that a greater degree of favor would be shewn to him than to any other Head of a Party, and we certainly think that no part of his conduct after his arrival in this Colony was calculated to impress the Local Government or its Servants, however well disposed towards him, with a favourable opinion of his judgment or resources. The feeling of aversion by which he appears to have been actuated towards all those who professed the Catholic Religion had led him to entertain the most unwarrantable suspicions of the conduct of Colonel Bird, and to attribute actions, that were in themselves indifferent, to a personal and vindictive feeling towards himself, on account of the aversion that he had expressed towards the Ministers of the Catholic Church.

Altho' we have stated it to be our opinion that the selection of the District of Clanwilliam for the location of the Irish Settlers was not justified by the information that was then in possession of the local Government, and that the measure of sending them thither without information was both unwise and unnecessary, yet considering the number of Individuals of which the Clanwilliam Parties were composed, it would be most unjust in the absence of evidence to the contrary to suppose that Colonel Bird had determined to sacrifice the prospects of so many Persons to his desire of inflicting punishment on one obnoxious Individual.

The same feeling we observe that roused the suspicions of Mr. Parker while he was in the Colony against Colonel Bird seems to have influenced his Conduct since his return to Ireland. He has not scrupled to confirm by his oath statements

which, upon a very little reflection, he must have been convinced were untrue ; and has publicly pledged himself to assertions for which it appears that there never existed any foundation whatever. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

(The whole of the enclosures in this report have already been given, so need not be repeated here.—G. M. T.)

[Original.]

Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN,
CAPE OF GOOD HOPE, 18th June 1825.

MY LORD,—In pursuance of Your Lordship's Directions contained in your Despatch dated 28th December 1823, we have investigated the case of Mr. Parker, as we were enabled to collect the particulars of it from the various documents that he transmitted to England during his residence in this Colony, and from the Affidavits that he has made since his return to Ireland ; and we have now the honor to report our opinion upon it, as well as upon the conduct of Mr. Parker, and the success which has attended the Parties that were settled in the District of Clanwilliam, in which Lands were assigned to him.

The Grounds of dissatisfaction and of charge that Mr. Parker has alleged against the Colonial Government may be reduced to the following Heads :

The refusal of that Government to carry into effect the gracious Recommendations of His Majesty in favor of Mr. Parker's Location at the Knysna, or to cause an inquiry to be made into the Charges that had been preferred by him against certain Individuals of his party for alleged crime and misconduct during the Passage, the disappointment experienced by him in the extent of the Land that was assigned to him by the Local Government in the District of Clanwilliam, the deprivation of his own Rights as an Emigrant Settler, and of the allowance of Rations, together

with an unjust determination of his Dispute with one of his Settlers respecting his Right to the possession of a House that he had begun to build, the Acts of Jesuitism that were practised under the sanction of the local Government, the employment of Functionaries professing the Catholic Religion, and an indifference and neglect of the interests of the Protestant Establishment.

We have further thought it requisite to notice the claims of Mr. Parker to compensation founded upon the support that he alleges to have given to the British Constitution for his adherence to Truth, and for his discovery and exposure of Colonel Bird's religious Tenets.

From the declaration of Colonel Bird, confirmed by that of the Assistant Secretary in the Colonial Office, it appears that no communication of the gracious intentions of His Majesty respecting Mr. Parker has ever reached the Cape Government ; and we think that in the absence of such communication, Colonel Bird was justified in declining to act upon the documents exhibited by Mr. Parker, more especially as they contained an intimation that the Royal Wishes would be conveyed to the Colony through the office of your Lordship. If, as Mr. Parker has declared, they expressed a wish in conformity to the previous applications of his Friends in England, that he should be located at the River Knysna, we are convinced, that with every disposition on the part of the Colonial Government to give full effect to His Majesty's gracious Intentions expressed in favor of any of His Subjects, the location of Mr. Parker at the Knysna could not have been carried into effect. The previous appropriation of the Land on the Shores of that River to two Individuals at a period long anterior to Mr. Parker's arrival, at once rendered the measure impracticable on the part of the Local Government.

Mr. Parker has made allusion to the portion of Land at Hout Bay that was granted by the Acting Governor Sir Rufane Donkin to Colonel Bird, the Secretary to Government, and complains that he was denied all the Rights of a Settler at the moment in which this Grant was made. We do not understand that any special application was ever made for this Land by Mr. Parker, and with the views that he states himself to have entertained by emigrating to this Colony,

of establishing a Commercial Residence for himself and followers in a maritime position at no great distance from the Capital, we do not conceive, that the allotment of Hout Bay which we have already had the honor of describing would have been calculated to meet Mr. Parker's views. At one period, and soon after his debarkation he declared to the Landdrost of the Cape District his intention of founding a large Commercial Association on some part of the shore of Saldanha Bay ; but he found that on the only positions that were favorable to such an enterprise the Land had been already appropriated, and reasonable doubts were then entertained by the best informed persons whether an adequate supply of Water could be procured for a large and increasing Population, and whether that indispensable provision could be secured without having recourse to artificial means of supply. The wish expressed by Mr. Parker to receive an Allotment of Land on the shores of Saldanha Bay for the purpose of erecting Stores was met to the extent of Two Acres of Land adjoining an Allotment occupied by the present Resident, and if Mr. Parker's views had been limited to the Establishment of a Fishing Village, some benefit might have been derived from the many local advantages that Saldanha Bay affords for the occupation of Fishermen. It is at the same time to be apprehended that their early exertions would have been checked by the greater facilities of supply that the Market of Cape Town possesses in its immediate contiguity to Table Bay, and also by the habits of the Dutch Farmers who devote a portion of their leisure to the taking and curing of Fish on the shores and in the Waters of Saldanha Bay and other Bays of the Colony for their own consumption. It appears that the proximity to a large Market and to the Sea Coast was both an original object and an indispensable condition of Mr. Parker's settlement in the Colony, and more with a view to commercial Speculation than to agricultural pursuits. We are not aware **that** these views were very distinctly explained to your Lordship by Mr. Parker, or that they were otherwise admitted than by the general direction that was given to the Colonial Government to consult the wishes and inclinations of the Settlers as far as might be compatible with the welfare of the Colony.

One of the chief objections made by Mr. Parker to the

situation of Clanwilliam was its distance from the Market, and we certainly find that the length and difficulty of the land journey, or the more circuitous one by means of Saldanha Bay and from thence by Sea to Cape Town, would have gone far to annihilate all profit on the sale of the surplus Grain of that District. By the enterprise of two Individuals unconnected with the Settlers, an anchorage for small vessels has lately been discovered in Lambert's Bay on the Western Coast, distant only two days' journey from Clanwilliam, which promises to afford an easy communication between that place and the Sea Coast, while it has given rise to a Commercial undertaking, the object of which is to supply the Inhabitants of the vicinity with manufactured Goods at a cheaper rate than they would be obtained by Land Carriage. The effects of this Establishment are stated to have already produced important results in the encouragement it has held out to the cultivation of Grain on Lands that would have otherwise remained uncultivated. A participation in the advantages of this enterprise might unquestionably have been enjoyed by Mr. Parker if he had remained upon his Location, and had examined with more care than he seems to have done the probabilities of communication that the Western Coast of the District presented. From the information that we have received of that portion of it that lies between the Saldanha and Table Bays, we do not think that any situation could have been found that embraced the objects contemplated by Mr. Parker; but as the system of placing the Settlers on unappropriated Lands in the Settled Districts had been determined upon, and we think judiciously, by the Colonial Government, we are of opinion that in the Cape District detached portions of Land might have been found, and actually did exist, in which locations of small Parties enjoying every advantage of contiguity to the principal Market might easily have been effected.

Mr. Parker has complained that much of the influence that he expected to derive from his situation as Head of a large Party of Settlers was lost, in consequence of the refusal of the local Government to cause an inquiry to be made into the charges that he preferred against some of them for misconduct during the Passage.

We have examined these charges, and as we find that they were chiefly of a personal nature or for misconduct which, altho' not the subject of criminal charge, might have furnished grounds for Civil actions, we think that the Colonial Secretary adopted the wisest course in recommending Mr. Parker to forget the causes of animosity that had arisen between himself and some of his Party during the Passage, and to endeavour to unite his Followers in a common effort to promote their mutual success. The entire incompetence of the Colonial Courts to entertain the charges brought forward by Mr. Parker is stated too broadly by the Colonial Secretary, for they included claims of a mixed nature that might have been admitted according to the practice of the Colonial Courts; but we entirely agree in the propriety of the advice that was given to Mr. Parker to avoid all subjects of mutual recrimination, and to devote his whole time and attention to the objects with which he had emigrated. Every assistance appears to have been given by the Local Government in forwarding his Party from Saldanha Bay to Clanwilliam, and Mr. Parker acknowledges the hospitality and kindness with which he was received by Mr. Bergh, the Deputy Landdrost, on his first visit to the place of location. If any change took place in the disposition that was at first manifested, it is to be attributed to the misapprehension of the Deputy Landdrost, and certainly not to any want of zeal in the Colonial Government in impressing its subordinate officers with the strongest motives for supporting the general objects of the Emigration. It would appear that Mr. Parker had formed a very unfavourable opinion of the District of Clanwilliam from the first visit that he had made to it, and we certainly have felt great difficulty in reconciling this opinion and the complaints that he addressed to your Lordship on this subject, with the admissions that he is alleged to have made in an interview with the Acting Governor Sir R. Donkin, and in the presence of the Colonial Secretary and Deputy Secretary in the Government House at the end of the Month of June 1820. From no one Individual whom we have examined upon this subject do we find that the quantity of arable Land in the Kleine Valley (the allotment that was assigned to Mr. Parker) exceeded 400 acres, and by the last Report that we received it is stated to amount only to

70 Acres, yet Mr. Parker is said to have admitted that he had received 1700 Acres of good Land, and that when the Acting Governor conceded to him an addition of four acres at Saldanha Bay for the purpose of making a commercial Establishment, and the occupation of two small Islands for grazing Sheep, he professed himself completely satisfied. This last assertion has received confirmation from another and very respectable quarter, reporting a declaration of Mr. Parker "that he must now rest satisfied, as the Colonial Government had complied with every request he had made."

With a view to afford employment to his Articled Servants, Mr. Parker had at an early period after their debarkation and removal to Clanwilliam commenced the cultivation of such portions of his location as he had found to be fit for tillage, and had laid the foundations of a Dwelling House. He had also employed his people in making a watercourse for the supply of a portion of Land that he destined for his garden.

The Tract of Land called the Kleine Valley had been assigned to Mr. Parker, whose duty it was as Head of a Party to distribute portions of it to the Settlers who accompanied him. The District Surveyor who had been ordered to proceed to Clanwilliam to ascertain the quantity of Land that was at the disposal of Government, pointed out to Mr. Parker the boundaries of the Kleine Valley. He had already occupied a portion of it that he had selected for himself, and which appears to have comprised the most fertile tract of the Valley and to have possessed the greatest facility of irrigation. He then proceeded to assign one thousand acres to a Settler who was entitled to receive that quantity from him, adding that he might take it from the Northern Boundary that the Surveyor had pointed out. Upon taking possession of the Land it was found that it included a considerable part of that which Mr. Parker had assigned to himself and had begun to cultivate, and that it also included the Walls of the House that he was constructing. The Settler having refused to give up his claim to the Land that had been ceded to him, the question was referred to the Deputy Landdrost, who in the absence of the Competent Judicial Establishment and in compliance with the custom that prevails in the Colonial Courts, recommended (in Mr. Parker's absence) to his Nephew who acted for him to

settle the dispute by amicable adjustment. It was agreed between this Individual and the other Parties that a new Survey should take place, and upon the execution of it by the Surveyor it was found that the 1000 Acres that Mr. Parker had given away included a large portion of the Allotment that he had designed for himself.

Mr. Parker afterwards discovered from the information of the Surveyor (which has been confirmed very reluctantly by him in evidence before ourselves after great delay and an evident wish to evade our Summons), that he had made a mistake in drawing the original Boundary line of the whole Allotment, which consequently affected the Boundaries of all those within it.

The quantity of Land of which Mr. Parker was thus deprived amounted to about 13 acres, but it should be added that this portion comprised the best Land in the Kleine Valley, and that Mr. Parker had expended both Capital and Labour upon its improvement.

He did not contest the result of the second measurement that had been made upon the same erroneous principle as the first, nor did he, upon being informed of the mistake that had been committed by the Surveyor, avail himself of the remedy that was open to him of bringing the case to the cognizance of the District Court at Tulbagh, of which Clanwilliam formed a subordinate Division. The result of that appeal would in all probability have led to an equitable arrangement respecting the Land that Mr. Parker had evidently granted away through mistake, and a partial resumption of that which he had begun to cultivate. Without waiting for such a result, Mr. Parker seems to have adopted the resolution of quitting his Location, and removing his Labourers to Saldanha Bay.

With regard to the extent of the tract of land allotted to Mr. Parker and his Party, we entertain a strong opinion of its inadequacy, founded as much upon the information we have received of the quality of the Land as of the difficulties that have subsequently been experienced by its present occupier in supporting his Family and Labourers upon its produce. It cannot be denied that the early perception of this circumstance as well as the occupation of the Land by another than Mr. Parker had cultivated for himself, and the consequent loss of

so much time and labour, were circumstances of a very discouraging nature, but we feel ourselves justified in believing that if Mr. Parker had been earnestly intent upon settling at Clanwilliam, or if he had not been so desirous as he always expressed himself to be of connecting his agricultural pursuits with a Maritime Establishment at Saldanha Bay, he would have found little difficulty in procuring from the Colonial Government such augmentation of Land in other parts of the District of Clanwilliam as would have compensated for the deficiencies of the Land in Kleine Valley, and that he would also have obtained redress for the real injury that he sustained by the occupation of this Land and the loss of the labour that he had expended upon it.

Previous to this period other Individuals of the same Party who had proceeded to Clanwilliam being dissatisfied with the prospect of Success that it afforded them, requested that they might be removed. The Local Government intimated its doubts of the causes of their dissatisfaction, but yielded to their request and provided transport for all who were desirous of removing, together with a protracted allowance of Rations and an entire remission of the charge of them in consideration of the time that had been unprofitably consumed at Clanwilliam and of the advanced state of the season.

The Local Government seems to have felt that no alternative remained beyond that of conveying the Parties from Saldanha Bay to the Eastern District of the Colony, which had been fixed upon as the general place of resort for the large Body of Emigrant Settlers.

Captain Butler, one of the Settlers who had gone to Clanwilliam, was permitted to dispose of his allotment in favor of an Individual who preferred remaining there, for the Sum of 600 Rixdollars, and an ample location was assigned to him on his arrival in the District of Albany. But to the great majority of the Clanwilliam Settlers who removed thither, the delay was of serious consequence; for the most eligible Situations in it were then held by earlier Occupants and the season for preparing the Land for Crops had passed by, and with it all hope of deriving profit from the first year's labour. Mr. Parker however was not entitled to complain of this delay, or the consequences of it, for he declined the option that

was very distinctly placed before him by the Landdrost of the Cape District, of removing to Albany, but did not interfere with the inclinations of his followers who preferred adopting it. From this period, Mr. Parker appears to have committed to other hands the cultivation of his allotment at Clanwilliam and the superintendence of his Party, and to have turned his attention to the establishment of a Commercial Interest on the Shores of Saldanha Bay. The Settlers of his Party and those who had stipulated to labour for him at certain rates on condition of receiving subsistence, and ultimately a certain portion of Land, complained of his neglect of these agreements, which the Deputy Landdrost felt himself unable, on account of Mr. Parker's absence in another District, to enforce. Being unable to retain possession of a dwelling House on the Shore of Saldanha Bay, in which he had been permitted to reside for some time by the owner, and having failed in a negotiation for the purchase of his Estate, he repaired to a neighbouring District, where he announced his intention of remaining "until His Majesty's Pleasure should be known." Acting upon this declaration, and pressed by the complaints of the members of his Party who had remained on the Location, the Acting Governor determined that "as Mr. Parker had no intention whatsoever of locating at the Kleine Valley, he could no longer look upon him in the light of a Head of a Party, nor to be entitled to any Lands as such in the Colony."

We are aware that similar determinations have been made respecting Heads of Parties in the Albany District who had failed to protect or subsist their articulated Servants or to direct their operations upon the Land that they had obtained under circumstances even of greater discouragement than those with which Mr. Parker had to contend at Clanwilliam, and we do not conceive that after he had quitted the Location, and neglected the duties that he had to perform as Head of a Party, he had any claim on the bounty of Government, that could in justice only be extended to the industrious and persevering.

After the acknowledgement made by Mr. Parker in the presence of the Acting Governor Sir R. Donkin, of having received in his allotment at Clanwilliam 1700 Acres of good Land, it might appear to be unnecessary to attempt to controvert that Statement by contradictory proof, but we consider

that the evidence we have received upon this subject is so decisive that if Mr. Parker had insisted upon the inadequacy of his Allotment as a grievance, and had consented to remove with the other individuals of his Party to the District of Albany, he would have had a good claim to share in the indulgence that was shewn to the other Heads of Parties in the disposal of their Allotments at Clanwilliam, as well as to receive a large and eligible Allotment in the District to which it was proposed that he should remove. We perceive however that he does not admit that his refusal of the offer that was made to him of conveyance to the Eastern Coast and subsistence there at the Public expense exonerated the Government from any claims that might be supposed to arise out of the disappointment that he and the other Parties experienced at Clanwilliam, and he relies upon the accuracy of the information upon which he was led to decide that a removal to the District of Albany on the Eastern Coast of the Colony would expose him to molestation from the Frontier Tribes, and involve him in the same failure that he alleges has attended the whole scheme of Emigration to that Quarter. At the period in which the offer was made the Attacks of the Caffre Tribes upon the Settlements in Albany had not been renewed after the signal defeat which they had experienced in the year 1819, and altho' the new Settlers were afterwards exposed to some petty depredations, it was reasonable to expect that they would be checked by the exertions of the Military Force and the vigilance of the Settlers, an opinion that was entertained by the Old Colonists, who renewed their applications for the possession of Land in that District. Whatever dependance Mr. Parker might have been disposed to place upon the information that he received at that time respecting the probability of the success of the Parties, he could not have speculated upon that circumstance which has been the chief obstacle to it, namely the frequent recurrence of Blight from the Rust. In the Month of July 1820 this calamity had not begun to shew itself, and the result of observation in former years could not have furnished any reasonable ground for presuming that its future visitations would be either so frequent or so fatal as they have proved. Severely as they have been felt by the Settlers in Albany, and great as the

privations have been with which these annual visitations have been followed, it cannot be said that the Scheme of Emigration to that Quarter has failed. The principle upon which it was first undertaken has been at length corrected by nearer and more accurate acquaintance with the peculiarities of the Soil and Climate, the hopes that were originally entertained of a profitable disposal of the Surplus Produce of the Land have revived, and a partial and restricted intercourse with the Caffre Tribes has led to an advantageous interchange of commodities with them, which will probably be followed by a very desirable change in their predatory habits.

The Heads of the Emigrant Parties compose the Class of Settlers that has most suffered and has been the least able to contend with privation, or to repair the loss of Capital which three years of continued Blight have occasioned.

It appears to have been the object of Mr. Parker to engage in commercial pursuits, and to have rendered agriculture subservient to them. If this experiment had been tried upon a limited scale, we conceive that it might have been attended with success in the District of Albany, where instances have occurred and now exist in which the employment of Capital in the purchase and breeding of cattle has been attended with profit. But we find that his views were directed to a nearer intercourse with the settled Inhabitants of the Colony or to the opening of new and unexplored Channels of Commercial intercourse; and while he entertained ideas upon this subject that were utterly at variance with all experience or sober calculation, he neglected the duties that had devolved upon him as the Head of a Party of agricultural Labourers, whose only hope of success was to depend upon the early and steady application of their industry to the great object of procuring subsistence for themselves and their Families. It is the opinion of a Person who had frequent opportunities of becoming acquainted with Mr. Parker, that he did not possess any experience in agriculture that fitted him for the direction of others in that pursuit, and that his pecuniary resources were not such as to afford support or to inspire confidence in his Commercial Undertakings.

In consequence of the departure of several Individuals from the District of Clanwilliam to the Eastern District of the

Colony, several transfers took place of the Land that had been allotted in favor of a few who determined to remain. The Articled Servants were either released from their engagements in consideration of payments made to their employer and the departure of others was either permitted or connived at from the inability of their Masters to supply them with Food. They repaired to Cape Town and the immediate neighbourhood, where they soon found employment, and some of them are now doing well.

Five Individuals (Mr. Shaw, Revd. Mr. McClelland, Mr. Woodcock, Mr. Ingram, and Captain Synnot), including the late Deputy Landdrost and the Clergyman that originally accompanied the Party of Mr. Parker to the Colony, have continued to possess Lands at Clanwilliam. The success of these Persons as agriculturists has been very inconsiderable, and the Individual who has the best expectation of deriving profit from his Farm has let it to a Dutch Inhabitant, who after a tenancy of three years Rent free, is to commence on the 1st of May of the present year the annual delivery of a certain number of cattle, whose value is estimated at 4000 Rixdollars. The Sum of 30,000 Guilders or 10,000 Rixdollars has been offered for another allotment and refused by the Owner; and although pecuniary assistance was afforded by the Bank to a third to enable him to effect the purchase of a portion of the Kleine Valley that was sold by the followers of Mr. Parker, yet we have little reason to believe that any benefit will accrue to him, for his circumstances have gradually declined, and he is now judicially summoned to discharge the debt that he incurred. The exertions of these Individuals have no doubt been impeded by the difficulty of procuring Labourers, by their want of Capital, and by the distance that separates them from a Market.

As the cultivation of the soil in the District of Clanwilliam altogether depends upon the facility of irrigation, combined with the assistance of manure and the means of grazing Stock, it has only been in Situations peculiarly favored that these advantages could be secured. Limited as the enjoyment of them has been by the new Settlers who have remained in Clanwilliam for the reasons described above, there is yet sufficient ground to conclude that the same causes that have been

found to impede the early exertions of the inferior Classes of Settlers in Albany when aggregated together would in the District of Clanwilliam have operated with redoubled effect, and would have rendered abortive the attempt that has been made to fix a large Population in a District of very limited resources. The difficulty of making Fences and securing cultivated Land from Trespass is greater than in Albany, on account of the light and Sandy nature of the Soil, and from the quality of the grazing Land, the extent of which is too limited to afford a sufficient range of Pasturage for Cattle.

Mr. Parker has everywhere expressed great dissatisfaction at the manner in which the Government of the Colony was conducted, and has proclaimed in vehement language the danger to which the National Religion was exposed at different times by the non-conformity of one of the Principal Officers of Government and his devotion to the Principles of a certain Religious Society in which Mr. Parker alleges that this officer had received his education. We have been informed by a Person upon whose testimony the utmost reliance can be placed that until the arrival of Mr. Parker in this Colony the Religious Principles of this Officer were not known to those who were most intimate with him, and they appear to have been equally unknown to His Excellency the present Governor until some time after his return to the Colony from England in the year 1821.

The rigid Rule of exclusion from Civil Offices of all Persons who differed in the slightest degree from the Principles of the Calvinistic creed that prevailed during the Government of the Dutch East India Company anterior to the first Capture of the Colony by the British Arms had been abrogated by the Ecclesiastical Regulations of Commissary De Mist, that were issued in the year 1806. It was then declared that no exclusive Privileges should thenceforth be attached to any particular confession of Faith. We do not find that in pursuance of these Regulations, any Civil Office was held by a Roman Catholic during the short period of the Batavian Government from the year 1803 to 1806, but it appears that two Catholic Clergymen were appointed in that interval to administer the Rites of their Church to the Soldiers of the Garrison who were Members of it, and both of them received Salaries from the Government.

They were discontinued by the British Governor on the recapture of the Colony in 1806 ; but the necessity, as well as the justice of making a pecuniary allowance to the Clergyman of the Catholic Congregation in Cape Town for his attendance upon the Soldiers of the Garrison, and in consideration of the numerous additions that the Catholic Community had received from the influx of the lower Classes of Settlers from Clanwilliam to Cape Town, who were chiefly Catholics, became so apparent to the Acting Governor Sir R. Donkin that he took upon himself the responsibility of ordering an allowance of 1000 Rixdollars per annum to be paid to the Clergyman who performed these duties. The same views induced the Burgher Senate to make a Donation of an allotment of Ground in Cape Town to the Catholic Congregation for the purpose of building a Chapel and Residence for their Clergyman, and equal liberality was manifested by the Protestant Members of the Community in subscriptions to defray the expense. The President and Directors of the Lombard Bank made an advance from the Public Funds of 6000 Rixdollars upon the Security of the Land and projected Buildings, as well as the personal Securities of the principal Members of the Congregation.

These measures appear to us to have grown very naturally out of the circumstances of the moment, and were perfectly consistent with the spirit of Toleration that had prevailed in the Colony since the year 1803, and with the encouragement that continues to be given by the Local Government to various other denominations of Christians. Mr. Parker has thought proper to impute them to the growth of an influence, which he claims the merit of having been the first to discover and denounce, and which he asserts to have been the consequence of the admission of an Individual professing the Roman Catholic Religion to a high Official Situation in the Colony. We have already had the honor of stating that the difference of the Religious Opinions of this Individual from those of the Community at large was scarcely known even to those who had most frequent access to him. The domestic Connections that he had formed in the Colony were Calvinistic, and we have been informed by the respectable Individual to whom the care of the Spiritual Interests of the Church Establishment is committed that upon more than one occasion he had zealously

urged the expediency and pointed out the means of erecting an English Protestant Church in Cape Town. The objections that were made to this proposal have been the cause of that deficiency which Mr. Parker so much regrets, and which certainly every Member of the Church of England would gladly see supplied. It has been, and continues to be, partially supplied by the use that is allowed to be made by the Protestant Congregation of the principal Dutch Church in Cape Town, a large and commodious Building in which Divine Service is performed once on every Sunday. As it was found that the state of the Colonial Funds did not admit of the appropriation of a Sum adequate to the expense of building a Church for the Protestant Congregation, and as it was deemed inconsistent with the character of the National Church Establishment to accept Subscriptions from Individuals for such a purpose, and which might too heavily tax their liberality without obtaining the object proposed, the consideration of it has been postponed; but a plan has been conceived of effecting it by an advance of Money from the British Treasury, the interest of which it is expected would be defrayed by the lease of Pews and of the accommodation that the Church will be calculated to afford.

We observe that it is stated by Mr. Parker that a Reverend Clergyman of the Church of England expressed to him in the course of an interview that he had with him after his return, "that he could no longer remain in the Colony, and actually resigned the Colonial Chaplaincy, preferring an humble Curacy in England with liberty of Conscience and the right of doing good" (which he stated was denied him by the Colonial Secretary) "to the Emoluments of his Situation under the Rule of a Papist."

We deemed it necessary to bring this Statement to the notice of His Excellency Lord Charles Somerset, who in terms of just indignation has expressed his opinion of the perversion of the real motives by which His Lordship considers that the Reverend Gentleman was actuated in forwarding his resignation of the Chaplaincy to the Colonial Government and in returning to England. His Lordship refers to a verbal communication that he had with him when he tendered his resignation, from which, and from Documents annexed, His Lordship we think

was very justly led to conclude that the inadequacy of the pecuniary advantages of his Situation, and their not being considered as a Compensation for an entire separation from the Society of his Friends, were the sole grounds of the Reverend Gentleman's retirement.

Upon the encouragement that Mr. Parker alleged to have been given to the Roman Catholic Religion by the appointment of Persons professing it to Civil Situations in the Colony, we have already had occasion to observe in another place ; and we beg leave to repeat our reasons for concluding that these appointments did not arise out of any influence that was favorable to the Catholic Religion, or from hostility to the Religion of the Dutch and English Inhabitants of the Colony.

Mr. Parker however was loud in his complaints against the supposed Author of this influence, and seems to have taken every opportunity of attributing his failure in the settlement of his Party at Clanwilliam to the offence that he is said to have given to the Colonial Secretary by his severe observations upon the conduct of the Catholic Priesthood in Ireland. We should have been willing to believe that the language he has adopted in expressing these sentiments had proceeded from the irritation of disappointed views and from the contemplation of the distress to which his Family was exposed by his want of caution, if we had not observed that he had retained the same impressions after his departure from the Colony, and had endeavoured to give them a greater degree of solemnity by pledging his Oath to their truth. He goes even further, and founds his claim to remuneration from His Majesty's Government upon the alleged veracity of his representations and upon the important cautions they contain respecting the danger to which the Government in this Colony was exposed from the employment of Persons in Offices of Trust and Dignity, whose Religious opinions differed from those that were professed by the Members of the National Church.

As we have already submitted to Your Lordship our reasons for concluding that the refusal of Mr. Parker to accept the option that was given to him of removing from Clanwilliam to another part of the Colony did exonerate the Government from any further claim, we do not consider it necessary to enter into any more particular explanation of the causes that

led to his failure in that District ; and we shall only now consider whether he possessed any real Claims to remuneration upon the new ground that we have just stated.

We have not been able to collect from Mr. Parker's Statement any instance in which he complains of want of good faith in the Government towards him, or any such explanation of the term "Arts of Jesuitism" as could point the application of it to the general System of Administration, or to any particular act of the Colonial Government. The appointment of two Individuals to the situation of Landdrosts in the Districts of Albany and Tulbagh was, as far as we have been able to discover, entirely independent of any feeling of partiality towards the Religion professed by those Individuals, or of favor towards the Person to whose influence Mr. Parker supposes they owed their elevation. We are not prepared to say that such appointments may not be attended with inconvenience to the administration of the Ecclesiastical Affairs of the District over which a Landdrost in this Colony, by virtue of his Office, is called to preside ; but we are not aware that any inconvenience has hitherto been experienced from it, or that even the fact of the Religious dissent of the Individuals before mentioned was known in the Colony or noticed, until the observations of Mr. Parker were published. We do not believe that his Publications have made any impression upon the minds of the Dutch Community, which, tho' habitually attached to the privileges and discipline of the Calvinistic Church, are generally disposed to regard without jealousy the Religious Dissent of their Rulers.

In the absence of all proof that the acts of the Colonial Government have been influenced by religious partialities, or that it has failed in giving protection to the interests of the Reformed Church, we are not disposed to admit that Mr. Parker has established any claim to the consideration of the British Government, by the abrupt and we think indelicate disclosures that he has made of the religious tenets of a few Individuals, some of whom had been long and meritoriously employed in the Service of the Colony.

It remains for us to inform Your Lordship that previous to his departure from this Colony Mr. Parker obtained from the Governor, Lord Charles Somerset, an order for the payment

of 3502 Rixdollars four Skillings two Stivers and a half from the Military Chest to Captain Horrie for the passage of Mr. Parker and his family to England. It was considered that in consequence of his having abandoned his location, Mr. Parker had no claim to Rations, in lieu of which this payment was made; but that under the failure of his undertaking, his assertion as to the inadequacy of his location, and of not having previously received any assistance in the shape of Rations, he had an equitable tho' not a positive claim to relief.

As we have already had the honor to submit our opinions upon the inadequacy of Mr. Parker's location, and as we are informed that the subsistence of his articted Servants at Saldanha Bay (where he attempted to establish them on an Estate he had purchased) had entirely devolved on him, as well as the expences of their transport from Clanwilliam, we are disposed to concur in the reasons that have been assigned by the Colonial Government for making some compensation to Mr. Parker on this account, more especially as the Rations were gratuitously issued to the other parties located at Clanwilliam, and which were continued as well to those who removed to Albany as to those who remained on the Land.

In the official Estimate that has been furnished to us of the number of Persons who left Clanwilliam with Mr. Parker, and who were subsisted by him, it is stated that 6537 Rixdollars was the calculated Cost of the Rations that would have been issued to them had they remained upon their Location; and we observe that the sum of £250, or 3502 Rixdollars, was ordered to be paid by the Commissariat. We are not aware of the principle upon which this Sum was fixed as the amount of the compensation, nor indeed of the authority for the estimate of the number of Persons said to have accompanied Mr. Parker; but in admitting the equity of his claim for their Rations during his residence at Saldanha Bay we have no reason to think that the sum accorded to him exceeded the expenses that he may have incurred for the subsistence of that number of Persons.

We feel it also our duty to add that out of consideration of his embarrassed circumstances and the certain ruin that awaited him and two Individuals who became Sureties for him

for the purchase of an Estate from Government on the Western Shore of Saldanha Bay, Mr. Parker was released from all fulfilment of the terms of purchase, and the Estate in question was resumed by the Government. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Enclosure 1 in the above.]

Evidence given by MR. J. W. STOLL to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 25th August 1824.

You are Landdrost of the Cape District ?

Reply. I am.

You were present and officiating at the time of the arrival of the Emigrant Settlers in the year 1820 ?

Reply. I was.

Were you employed in arranging for the debarkation of the parties of Settlers destined for Clan-William ?

Reply. I went down to Saldanha Bay, where the *Fanny* and *East Indian* had arrived, for the purpose of disembarking those Settlers, and of forwarding them by Land to Clan-William.

From whom did you receive instructions to this effect ?

Reply. From the Colonial Secretary Colonel C. Bird, by direction of the Acting Governor, who was at that time absent.

Is the Letter produced to you the Copy of one addressed by you on the 7th August 1821 to Lieutenant Colonel Bird ?

Reply. It is.

From the explanation therein given it would appear that these parties were landed at Saldanha Bay. Was this arrangement directed by Colonel Bird ?

Reply. It was, with a view to their convenience.

Previous to the departure of the vessels from Simon's Bay, did Mr. Parker make any objection to the project of locating his Settlers at Clan-William ?

Reply. In a previous conversation that I had had with Mr. Parker in Cape Town, he said he had received contradictory

Reports respecting the Lands at Clan-William. I remember suggesting to him the expediency of his going to look at them, he accordingly did so and was absent when the vessels were sent round to Saldanha Bay. I met him at that place on his return from Clan-William.

When you repaired to Saldanha Bay, did you receive any instructions from Colonel Bird respecting Mr. Parker ?

Reply. When Colonel Bird furnished me with official Instructions to superintend the disembarkation of the Settlers at Saldanha Bay he requested me to shew Mr. Parker and family every civility in my power, in consideration of an introduction that Mr. Parker had brought from a friend of the Colonel in England.

Do you think that Mr. Parker was aware of this circumstance?

Reply. I never informed him that Colonel Bird had made such a request to me, or that the little civilities which I had it in my power to shew to his family at Saldanha Bay had in some degree proceeded from the Colonel's request, but when Mr. Parker afterwards complained of Colonel Bird's hostility to him, I repeatedly assured him that I had reason to know that Colonel Bird had originally been very friendly in his disposition towards him.

When you met Mr. Parker at Saldanha Bay did he state to you his objections to the location at Clan-William ?

Reply. He immediately did so, and intimated his intention of writing to the Government on the subject, and to enable him to receive an answer. The other parties of Settlers were in the first Instance landed and forwarded.

What was the result of this communication ?

Reply. By the time that the other parties had been forwarded, I received a Letter from Colonel Bird, informing me that Mr. Parker's project of settling his people at Saldanha Bay could not be acceded to, and that the only alternative would be to send them to the East Coast if they were not satisfied with the Lands at Clanwilliam. On mentioning these instructions to Mr. Parker, he refused to take his People to Clanwilliam, and I reported immediately this refusal to Cape Town, in consequence of which I was directed by Colonel Bird to send the Settlers who did not wish to land in the Transports back to Simon's Bay. I believe Mr. Parker

received a Letter to the same effect, and he then told me that he would send his people to Clanwilliam but would not accompany them. He accordingly remained at Saldanha Bay, and the waggons were sent on.

You conceive then that the alternative was at that time freely offered to him of proceeding with his party to Algoa Bay ?

Reply. I do.

Were any objections made by the other parties of Settlers to proceeding to Clan William ?

Reply. They made no objections at that time.

Did you ever understand from Mr. Parker that he had drawn on himself the hostility of Colonel Bird by an observation made by him in the first interview he had with the Colonel on his arrival ?

Reply. I never understood this from Mr. Parker, but some months after his arrival and after his people had been located at Clan William, I remember Mr. Parker having reminded me of an observation he had made in the presence of Colonel Bird and some other Gentlemen the preceding day at my house, and which he had been informed by one of the party had given displeasure to Colonel Bird.

Are you aware whether Colonel Bird had taken offence at the observation ?

Reply. I have no reason to suppose that he did. I was given to understand by all the Gentlemen who were present that no such remark had been made to Mr. Parker by either of them.

Had the observation to which he alluded any reference to the appointment of a Popish Priest or to the Catholic Religion ?

Reply. It had no reference to those subjects whatsoever.

Are you acquainted with the Situation and value of a Tract of Land in Hout Bay that was granted to Lieutenant Colonel Bird by Sir Rufane Donkin ?

Reply. I am, it is situated between the Property of Mr. J. van Helsdingen and the Orange Grove belonging to Colonel Munro, about 3 miles from the Sea. It contains I believe about 34 morgen (68 acres) of good arable Land. The remainder is grazing ground. The Arable Land would require much labour and expence to clear it. This Grant included

the land that had previously been granted to Baron Hogendorp, and some additional grazing ground up the sides of the Hills.

Are you aware by whom the Quit-rent was fixed at 200 Rds. when the grant was made to Baron Hogendorp ?

Reply. I believe it was fixed by Mr. D'Escury, the Inspector of Lands and Woods, on personal inspection.

Is it not usual in the Cape District for the inspection of Lands and Estimates of Quit-rents to be made by the Landdrost and Heemraden ?

Reply. It is, but in this instance some dispute arose upon an Inspection and Survey made when Major Zorn was Landdrost, which occasioned Mr. D'Escury's being employed, to determine upon it, and he went down for the purpose.

(Signed) J. W. STOLL.

Cape Town, 20th October 1824.

J. W. Stoll, Esq., re-examined.

Do you recollect having seen Mr. Parker in Cape Town before he went up to inspect the District of Clan William ?

Reply. I did.

Did he ask you your opinion or say that he had received a favorable account of that District ?

Reply. He asked my opinion, which I could not give him, as I had never been near the place, but Mr. Parker told me that he had received various opinions and to the best of my recollection that he had spoken to Mr. Van Reenen, who had been the former Proprietor of Jan Dissel's Valley. Mr. Van Reenen he said had spoken favorably of it, and I told him that altho' Mr. Van Reenen's opinion was likely to be a very good one, I recommended him to go and visit the District himself.

Did Mr. Parker express to you a wish to be possessed of an erf, or of a large Tract of Land on the Shores of Saldanha Bay ?

Reply. He wished to have a large Tract of Land for the purpose of building a Town.

Were you aware or did you inform Mr. Parker, that the Lands in the neighbourhood of the Bay were granted ?

Reply. I did, and told him that there were no other disposable Lands than those attached to the Old Post on the

East Side of the Bay, which I thought Government would not dispose of. Mr. Parker however purchased it when it was put up to sale, and afterwards Lord Charles Somerset got the purchase cancelled for him in consideration of his Losses and the ruin that it would have caused to two Individuals who had become Security for him.

Were there any fishermen in Mr. Parker's party ?

Reply. He told me there were.

Was it his intention to have established a fishing village on the shores of Saldanha Bay ?

Reply. He talked of it and also of a Whale Fishery.

Is it your opinion that either would have succeeded there ?

Reply. A small Fishery I think would have answered if carried on properly. As to a Whale Fishery I cannot say.

From the character of Mr. Parker do you think that it was likely he would have succeeded as an agriculturist under more favorable circumstances of Land and Situation ?

Reply. He did not appear to have any experience as an agriculturist, his views and plans were far beyond the means and resources of this Colony, neither had he any Capital, for he applied immediately for assistance from the Bank, which he obtained.

Did he appear to have any influence over his Party ?

Reply. Yes, he did, with the exception of some of the higher Classes, notwithstanding the greatest portion of his party was quarrelling with each other or quarrelling with him.

Of what description of People did Parker's party consist ?

Reply. They were principally Irish Labourers. Some Farmers and some Mechanics. A few have settled in the Cape District and are doing well.

(Signed) J. W. STOLL.

Cape Town, 26th December 1824.

Mr. Stoll re-examined.

Are you aware of the Circumstance that led to the erection of the Roman Catholic Chapel in Cape Town ?

Reply. I am not.

I observe from the advertisement in the *Government Gazette*

of the 1st September 1821 that you were a Subscriber towards it, and had undertaken to receive Subscriptions ?

Reply. I subscribed at the request of Mr. Scully, and he asked me to allow a List to remain at my Office. I said that I had no objection, but was very much amazed when I observed that he had taken the liberty of inserting my name as the Receiver of Subscriptions. I mentioned to Sir R. Donkin my displeasure at the circumstance, but did not consider it of importance to do anything further. I did not receive any of the Subscriptions.

Are you aware if Colonel Bird was a Subscriber ?

Reply. To the best of my recollection I saw his name in the List of Subscribers for the Sum of 50 Rds. It may have been the Paper published before the first advertizement.

Had Colonel Bird at any previous time signified to you his intention of subscribing to the erection of the Chapel ?

Reply. He had not.

Are you aware whether he extended his support or encouragement in any way to the undertaking ?

Reply. I am not aware that he did. I only heard from Mr. Parker that altho' Colonel Bird had limited his subscription to 50 Rds. that he had contributed 1000 Rds. towards the erection of the Chapel.

Were you informed by Mr. Parker of his authority for this assertion ?

Reply. I was not, and I did not think it worth while to enquire, as Mr. Parker was so much in the habit of making observations upon Colonel Bird's supposed encouragement of the Catholic Religion, and appeared to be so credulous on the subject that I did not attach any importance to his observations.

You have stated in your former evidence that Mr. Parker obtained assistance from the Bank. Can you now state under what circumstances he obtained it, and whether the sanction of Government was given for the Loan ?

Reply. He obtained accommodation from the Discount Bank on a promissory note endorsed by some Inhabitants of the Town. In accommodations of this kind the consent of the Government is not usually required.

You have stated in your former evidence that the valuation of Quit Rent upon the Estate of Colonel Bird at Hout Bay

was fixed by Mr. D'Escury at 200 Rds., do you conceive that the Land in question was capable of bearing such a Quit Rent ?

Reply. I should conceive that a Proprietor who had a command of Labour to employ upon the Land would be capable of paying that Quit Rent, but to a poor occupant who depended upon an immediate return, it would obviously be more than he could afford at once to pay, as the Land requires to be cleared before it can be cultivated.

Are you aware whether Colonel Bird has commenced any improvement upon the Lands at Hout Bay ?

Reply. No, when I was last there I did not see that anything had been done, this was about a year ago.

What do you conceive to be the value of the Estate in Question ?

Reply. I conceive that it would sell at present for 4 or 5000 Rds.

(Signed) J. W. STOLL.

Cape Town, 21st February 1825.

Mr. Stoll re-examined.

You were acting President of the Lombard Bank ?

Reply. Yes, I was.

For what period ?

Reply. Nearly for two years, during Mr. Marshall's absence.

Do you recollect to have received any and what applications from the Revd. Mr. Scully and the leading Members of the Catholic Congregation in Cape Town, for an advance of Money to enable them to build a Catholic Chapel ?

Reply. Yes I did, they applied for the Sum of Ten Thousand Rix Dollars.

Was this Sum granted, or what other proceeding was adopted respecting their application ?

Reply. I told them that the state of the Bank at that time would not allow it to make such an advance on the moment, nor could I promise them the full amount of the Loan, but that they might calculate upon 5 or 6000 Dollars, and I also told them that 3000 Dollars should be advanced to them immediately, and that as they went on with the work they

could receive 3000 Dollars more. The advance to the amount of 6000 Dollars was made on ample security.

Was the advance made on the Security taken from Mr. Scully the Catholic Clergyman ?

Reply. The advance was made to Mr. Scully individually, and the Security was also taken in his name, for he was the person who made the mortgage of the Land and Buildings in favor of the Bank.

Had you any, and what Communication with the Acting Governor Sir R. Donkin or Lieutenant Colonel Bird or Mr. Deputy Secretary Ellis upon the Subject of this Advance ?

Reply. No communication at all. I did not consider it necessary. The application was made in the common way, and the Security offered being ample, it appeared to me there was no objection, and in this opinion the Directors concurred.

Had any similar applications for assistance been made to the Bank from any of the other religious communities in the place ?

Reply. Yes, the Sum of Ten Thousand Rix Dollars was I think advanced to the Lutheran Church, on the security of certain Bonds that were held by the Elders of the Church. I think also that the Church of Zwartland obtained a Sum from the Bank. If I had remained in it, I should have recommended an Advance to the Wesleyan Missionaries for the purpose of assisting them in the Building of their Chapel at Salem in the district of Albany, according to the promise I had given them when they first applied.

Do you recollect to have had any conversations with Lieutenant Colonel Bird upon the subject of building, or giving assistance to the Building of Protestant Churches in your District ?

Reply. Some years ago I mentioned to him that the Inhabitants of the Tygerberg had an intention of applying to Government for assistance in building a Church, upon which Colonel Bird told me that I ought to give all the support I could to it, and that it would lay the Foundation of a very pretty village. He also said that he would recommend it to the Governor, who he had no doubt would endeavour to obtain assistance for them from the Funds of the Orphan Chamber.

Has it been generally known in the Colony that Lieutenant Colonel Bird was a Catholic ?

Reply. It has not, until Mr. Parker spoke of it generally in the Colony. I am only aware of one instance in which a private friend of mine hinted it to me, and that was a short time before Sir R. Donkin took the Government. I had no suspicion whatever of it until these circumstances were mentioned.

Did Governor Sir John Cradock appear to be acquainted with it ?

Reply. He never mentioned a word to me about it, nor did Mr. Alexander or any of the other Gentlemen then in Office.

Do you know of what religious profession were the persons who composed Mr. Parker's party ?

Reply. Mr. Parker told me that the majority of them were Catholics.

Are you as Landdrost of the Cape District in the habit of hearing Disputes that have occurred between Passengers during their voyage to this place ?

Reply. No, I am not.

(Signed) J. W. STOLL.

[Enclosure 2 in the above.]

*Evidence given by MR. CHARLES GRIFFITH to the
COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 21st February 1825.

I believe you came out as a Settler from England in the year 1820 ?

Reply. I did.

At what period in that year did you proceed to your location ?

Reply. In the first week of May.

Did you see or become acquainted with Mr. Buisinne on his return from the District of Clanwilliam ?

Reply. I did, when he came to Zonder End River to point out the different Locations we were to occupy there in the month of June.

Had you seen him before ?

Reply. Never.

Had you any conversation with him, or were you present when he spoke of the District of Clanwilliam ?

Reply. I think he answered to a question that I asked him respecting Clanwilliam.

What was the nature of the question ?

Reply. I asked Mr. Buissinne what was the sort of Land that the Party was going to settle upon that had gone to Clanwilliam.

And what was his answer ?

Reply. He said that it was a Sandy Desert, or words to that effect.

Do you recollect any other words or conversation with him on the same subject ?

Reply. I do not at this moment, but the impression that his words left upon my mind was that the Settlers who had gone to Clanwilliam had no chance of success.

Did Mr. Buissinne enter into any description of Clanwilliam ?

Reply. No, he did not.

Do you recollect any other persons who were present at this Conversation ?

Reply. My Brother was present, and I think that Mr. White, one of the settlers at Zonder End, was present.

Did the conversation take place at Albertyn's farm ?

Reply. Yes, it did.

What were the terms upon which you agreed to take the Land at Zonder End river ?

Reply. I was to receive the quantity of Land to which I was entitled from the number of People that I brought out, 2500 acres, and I was to pay to Government for the proportion that I received my Share of the Sum of £1200 Sterling.

Was it payable, cash down ?

Reply. No, in Instalments, I think, of three years.

Did Mr. Buissinne express to you any opinion respecting the Land at Zonder End ?

Reply. Mr. Buissinne told me that it was his private opinion that the Land at Zonder End River was not at all calculated for cultivation. He advised me by no means to remain upon it, as it would be my certain ruin if I did.

Was the Estate called the Donker Hoek included in the

Government Land that it was intended the Party should occupy ?

Reply. No, it was not at that time. Two Surveyors who accompanied Mr. Buissinne valued the Buildings that were upon it at about £300 Sterling, and that Sum, I believe, Mr. Neave who is now upon the Estate has still to pay.

At what period did Mr. Buissinne come up to the Zonder End River ?

Reply. Not until the month of June.

(Signed) CHARLES GRIFFITH.

[Enclosure 3 in the above.]

Evidence given by D. CAMPBELL, ESQRE., to the COMMISSIONERS OF ENQUIRY.

25th February 1825.

Do you recollect to have been present at any time when Mr. Buissinné declared his opinion of the nature and capability of the Soil at Clanwilliam, to which place the Settlers from Cork had been sent ? If so, state fully and to the best of your recollection the Words that were used by Mr. Buissinné upon this occasion, and the opinion that he gave.

Reply. Shortly after my arrival in Cape Town from England I dined in company with Mr. Buissinné, and understanding that he had just come from Clanwilliam I made enquiries respecting the quantity and quality of the Land intended for the Irish party. Mr. Buissinné mentioned the number of acres of Land which might be considered as of the best quality, that which was middling, and that which was of an inferior description ; but I cannot at this period take upon me to say of how many acres the whole or any one portion consisted. The impression made on my mind at the time was that there was a sufficiency of arable Land for the party, particularly as he represented the grazing ground to be good and abundant. Mr. Buissinné did not voluntarily express any opinion of his own ; but to my question : " Do you think the emigrants likely to succeed in that District ? " he replied " Yes if they are industrious." This is the substance of the conversation which took place.

Did Mr. Buissinné state any particulars respecting the favorable nature of the Report that he had made to the Colonial Government upon the Land in the District of Clanwilliam, and if so, be pleased to state fully what he said, and the reasons that he gave for making such a Report ?

Reply. Mr. Buissinné made no mention whatever of his Report to the Colonial Government, nor was I aware that he had made any. I had never heard of Mr. B.'s name till two days before I met him at dinner at Colonel Bird's, and I was quite ignorant of the capacity in which he had visited Clanwilliam ; but from the circumstantial information he possessed, I imagined he had filled some official office there. Mr. Poggenpoel's name was in some measure connected with the District, at least I thought that he was the person who was sent to ascertain the fitness of the Land for the Emigrants, and I imagined Mr. Buissinné had derived his information from him. It was twelve months after my meeting Mr. Buissinné that I learned he had made an Official Report to the Colonial Government on the Lands in question.

(Signed) DUN. CAMPBELL.

[Enclosure 4 in the above.]

*Evidence given by MR. SAMUEL EDWARD SHAWE to the
COMMISSIONERS OF ENQUIRY.*

4th March 1825.

It has been stated to us that the Sum of Rds. 2500 was advanced to you by the Lombard Bank in the year 1822 out of the fund appropriated to the relief of distressed Agriculturists and that it was applied by you to the purchase of a portion of the Tract of Land in the District of Clanwilliam that is called Klein Valley. Be so good as to state whether this was the case ?

Reply. The sum of Rds. 2500 was advanced to me by the Lombard Bank, and applied by me to the purchase of a tract of Land in the Klein Valley. It could not be from the fund mentioned in the query, as the President and Directors of the Bank are now suing me for part of the principal and entire of the Interest due thereon.

Did you make any application in writing to the Governor, to the Acting Governor, or to Lieutenant Colonel Bird for the assistance that you solicited ?

Reply. I did make application thro' the then Colonial Secretary to His Excellency the Governor.

Did you bring with you from England any special recommendation to them or either of them ?

Reply. I did not.

What portion of the Sum so advanced to you was applied to the purchase of Land in the Klein Valley ?

Reply. The entire.

From whom was it so purchased ?

Reply. From Mr. John Ingram.

What price was paid for it ?

Reply. The sum of 2500 R. Dollars.

What quantity of Land did you purchase ?

Reply. The locations of the Widow Allison, Richard Fryer, and William Watson.

Under what authority was the Transaction sanctioned ?

Reply. Under the authority of Enclosures 3 and 4 which refer to the same Transaction.

What Stock did you possess when you commenced your agricultural operations in the Klein Valley ?

Reply. Refer to Enclosure No. 5.

What was the annual Encrease or decrease of the same ?

Reply. Refer to No. 5. I beg leave to remark that I have both bought and sold, of which I have not kept an account.

What quantity of produce in grain have you been able to raise in each year ?

Reply. Refer to No. 5.

What extent of Land have you occupied or cultivated in the Klein Valley ?

Reply. Independent of my own I have occupied the locations of the Widow Allison, Richard Fryer, Mr. Watson, John Feare, and Thos. Greenweld.

Is it capable of irrigation, and what proportion have you been able to irrigate ?

Reply. A good Season, about 150 acres might be irrigated, but will suppose the average 100.

What proportion of it is adapted to Tillage, and what proportion to the raising and feeding of Stock ?

Reply. All that can be irrigated is capable of Tillage. The remainder goes under the head of grazing ground.

(Signed) S. E. SHAWE.

[Enclosure 5 in the above.]

Evidence given by MR. MARTINUS MELK to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 30th March 1825.

What is the name of the place you reside at ?

Reply. Claar Fonteyn.

In what district is it ?

Reply. It is now in the Cape District, it was formerly in that of Tulbagh.

Is it situated in the Road leading from Clan William to Saldanha Bay ?

Reply. It is.

Do you recollect to have received Mr. Parker, one of the Settlers who came to this Colony in the year 1820, at your place ?

Reply. I do, Mr. Parker came there on his way from Clan William to Saldanha Bay.

Did he state to you, or in your presence, the opinion that he had formed of Clan William ?

Reply. He stated to me that it did not suit him on account of its distance from the Sea.

Did he say that he thought the Land insufficient in extent, or bad in quality ?

Reply. I do not recollect that he did. He may have said something to that purpose, but I do not now remember it.

Did you see Mr. Buissinne on his way to Clanwilliam, or on his way back ?

Reply. On his return from Clanwilliam.

What did he say was the object of his journey ?

Reply. He said he had been to Clanwilliam and to the Oliphants River to see the Country, and that he was going back to Cape Town.

Did any person accompany Mr. Buissinne ?

Reply. Yes, a Missionary, named Markward.

During the time that Mr. Buissinne remained at your house did he mention to you his opinion of the land at Clanwilliam ?

Reply. He did not, at least that I can remember at this distance of time.

Are you acquainted yourself with the lands of Clanwilliam ?

Reply. I was there twice on my Road to Hantam, but I had no opportunity of looking at the Country.

Did Mr. Buissinne say anything to you respecting the report that he should make to the Colonial Government respecting the Lands at Clanwilliam ?

Reply. Nothing whatever.

(Signed) M. MELK.

[Enclosure 6 in the above.]

*Evidence given by WILLIAM HAYWARD, ESQRE., to the
COMMISSIONERS OF ENQUIRY.*

How many persons do you think that the two Partridge Vallies were capable of maintaining ?

Reply. It is collected from Messrs. Synnot, Shawe, Du Toit, Van Wyk, A. van Zyl, Van Aarde, and A. Bergh, that the Partridge Vallies (including Taay Bush Kraal as being one Property) might support 25 People. It is to be understood that these should be of and under one family, and of the usual Establishment of men, women, and children.

Can a supply of water be conveyed to the arable land of the Partridge Vallies during the whole year ?

Reply. Du Toit, the occupant, states not at the Partridge Vallies, but on the land called Bloomfield as long as the corn is on the ground, but this with difficulty ; that is good land, but lies on a slope under a Karroo or Clay Hill. On Partridge Valley there is a small piece of good Land for arable, which he is fearful to try because he cannot water it.

What quantity of Rice did it produce the first year ; and what quantity do you conceive it capable of producing ?

None in 1820 and 1821. Captain Synnot and Mr. A. Bergh state that in 1822 Mr. Bergh, then Deputy Landdrost, sowed in the Drostdy Garden $\frac{1}{3}$ th of a muid of Rice according to his

usual custom ; this was transplanted out by Mr. Bergh's People into Mr. Ingram's Land on Bloomfield. A Return of the Produce was made to the Colonial Office, and which Ingram offered for sale to the Colonial Government.

What number of Cattle would the Pasturage of the two Vallies and the Taaybus'h Kraal bear during the year, and are they favorable to the breeding of Cattle or Sheep ?

Reply. Mr. Shawe thinks they could support about 80 during the year. In general it is favourable for breeding, tho' some losses have occurred from the Sponge Sickness. Du Toit states if the Season is favourable he can keep 100 Cattle the year round. He then must not Sow, as the best winter pasturage is the Karroo Hill, at the foot of which is the long strip of arable, being what is called Bloomfield ; and which arable ground is the best Pasturage. The Cattle are subject to a Sickness called the Sponge Sickness. Goats all perish. He has not much experience in breeding of Cattle, and he only keeps sheep for his own consumption. A. van Wyk thinks those Lands would support about 100 Head the year round.

Is the Climate of the District of Clanwilliam favorable to the constitution of European Labourers ?

Reply. Shawe states the Climate of Clanwilliam to be healthy. Captain Synnot thinks not, the Summer heat is too oppressive.

Mem. : It appeared to be very relaxing ; the heat in the Valley of the Oliphant River is excessive.

Are the Climate and Soil of Clanwilliam favorable to the production of wheat and other Grain ?

Reply. Shawe thinks the Climate favorable. In Kleine Valley about 20 muids of wheat produced 200 muids, and without particular care. Were care used more might be grown. Du Toit states that in Partridge Valley there is a small piece of good Land, which he is fearful to try as he cannot water it. Bloomfield is fair Land, can be watered, but lies on a Slope. It is stated by several that the average grain is 20 for 1. They usually sow at the rate of $\frac{1}{2}$ muid on one Morgen. Irrigation is the only manure, there is no corn cultivation carried on without it.

Has any quantity of Grain been lately Shipped for Cape Town from Long Valley by the Inhabitants ; and what is the

distance from the Sub-Drostdy to that place, and the cost of Freight from thence to Cape Town ?

Reply. Mr. A. Bergh (the best source of information on this point as being the only person engaged in this Trade) states that almost all the Long Valley people have sold their corn to him deliverable at Lambert's Bay. The distance from the Drostdy to the Bay with an Ox Waggon loaded is two days and a half. Two days and a half is the greatest distance from which Corn has hitherto been delivered at Lambert's Bay, and 3 Hours the shortest. The Cost and freight cannot readily be estimated, Mr. Bergh employing his own vessel, and the number of trips performed on the service being uncertain.

What is the present price of Grain at Clanwilliam ?

Reply. Mr. Bergh states it varies according to the Cape Town price ; and since the last Harvest it has been delivered at Lambert's Bay for 70 or 90 Rixdollars per Load of 10 Muids. Seventy five Rixdollars was the average price paid by him in March.

Has the cultivation of it much increased since the new outlet has been discovered for transporting it by Sea to a Market ?

Reply. The supply Mr. Bergh states to have very much increased since Lambert's Bay was frequented ; and a good deal of new Land has in consequence been brought into cultivation and sown with wheat.

How many muids of Corn or other grain were produced this year in the Partridge Vallies by the Tenants of Mr. Ingram ?

Reply. Du Toit, the occupant, states that three muids of Wheat were sown which returned about sixty muids. One Muid of Rye sown, and Eleven Returned. Half a muid of Barley sown, and Sixteen Returned. Three Muids of Oats sown and one hundred returned. All sown on the land called Bloomfield.

What is the rate of Wages given to an European Labourer ?

Reply. None at the Drostdy. Native labour, four Skillings and Food.

What is the Rate of Wages of a Mechanic at present in the Drostdy ?

Reply. Two to three Rixdollars according to their merits and Food.

What were the terms of Purchase between Mr. Ingram and Mr. Shawe for the Kleine Valley Estate ?

Reply. Two thousand five hundred Rixdollars. Made further purchases of 150 acres from T. Greenwell for 1500 Rixdollars which is the best Corn Land in the valley ; and of 100 acres from J. Hare for 300 Rixdollars.

Has Mr. Shawe succeeded in the cultivation of this property, and what are the great obstacles that he has found opposed to it ?

Reply. Yes. He cannot complain.

Mem. On further inquiry it is found that he has little or no means. He let his Land last Season to a native Inhabitant. He is now making terms for a new Engagement for joint cultivation.

What quantity of Land is arable and capable of irrigation ?

Reply. Mr. Shawe states none to be arable but what is capable of irrigation, in all about 150 acres. In most years he can irrigate it ; it is only in dry seasons that he cannot.

What number of families does he think it would subsist ?

Reply. Mr. Shawe thinks about 30 Persons as *one family*, not 30 Persons possessing separate allotments, and specially states labour of the Country and not Europeans. He would be glad to have under him 40 Persons.

What is the number of Persons now remaining in the District of Clan-William, that originally emigrated in the year 1820 ?

Reply. By the Landdrost's Returns there are 12 men, most having families, and three unmarried women in the District. There are now remaining on the Lands, Shawe, McClelland, Du Toit, Tenant to Ingram, Synnot.

Have they succeeded ? If not, to what cause is their failure attributable ?

Reply. It is generally thought that the failure of the Settlers is to be attributed to the insufficiency of Land, it being of indifferent quality, more particularly for grazing, without which small portions of Arable are useless. The ideas on this point also seem to be that the possessions being in one hand, more could be subsisted than when divided into small Allotments.

The foregoing collected by me at Clanwilliam in March 1825.

(Signed) WM. HAYWARD.

[Enclosure 7 in the above.]

*Evidence given by MR. WILLIAM LIESCHING to the
COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 23rd April 1825.

You are engaged, I believe, in the trade upon the Western Coast of this Colony ?

Reply. I am.

How long have you been concerned in this Trade ?

Reply. Since the year 1822, but I have been concerned in the Trade with the western frontier since the year 1820.

Have you been successful in your speculations ?

Reply. Very much so, and especially within the last two years that the trade has been carried on by Sea.

What are the Ports that your Vessels have frequented ?

Reply. Lambert's Bay, situated on the Coast nearly opposite the Drostdy of Clanwilliam and near the mouth of the Lange River, and Klippen Island, which shelters the Bay from the South West Winds. The Vessels occasionally put into Saldanha Bay for shelter. Klippen Island serves as a safe anchorage, if Vessels coming from the Southward cannot beat against the S.E. Winds.

Does Lambert's Bay afford good anchorage and facilities for Landing Goods ?

Reply. The anchorage is good, and sheltered from all winds, except the North-West. The Beach affords facility for landing Goods and there is no Surf to make the landing difficult. I speak of the Season in which the South-East Winds prevail, from the beginning of November to the middle of April.

Is there a supply of fresh water ?

Reply. There is abundance of fresh water near the Beach in the rainy Season, but in the Summer when the Port is most frequented water must be brought from a distance of a mile and a half, from a Spring called Tenboeck fontein. This Spring is situated on a Farm that we purchased chiefly with a view to acquire it. We bought another Farm with a Spring upon it contiguous to the former. For the Loan Place we paid 20,000 Guilders.

What Establishment have you formed at Lambert's Bay ?

Reply. We have established a Store at Lambert's Bay for

the convenience of the Farmers who bring their produce. We have Stores inland at Clan-William, Elephants River and Bokkeveld. We mean to establish one in the Roggeveld.

Can you exhibit an account of the quantity of wheat that you have been able to export hitherto from Lambert's Bay ?

Reply. Last year the quantity did not exceed Six hundred muids, and this year, I fear, that on account of the small Tonnage of my vessels I shall not be able to ship the quantity of Grain that the Farmers have brought down. I hope to be able to procure a larger vessel in the meantime to prevent disappointment to the Farmers. The wheat is received as well as any other article they may have to sell.

Is the wheat the only article that you receive ?

Reply. By no means. We receive a quantity of wool from the Hantam and Bokkeveld, as also Skins, Hides, and Ostrich Feathers.

Is the wool of good quality ?

Reply. Very fair.

What price does it realize in the Market ?

Reply. From four to five Skillings per pound. This Season however it was in a less clean state, and realised only three Skillings. The want of water upon the Farms often prevents the Farmers from washing the Sheep before they are sheared, altho' if they carried them to a little distance this object might generally be effected.

Has the cultivation of corn encreased lately in that District ?

Reply. It has increased very considerably in the last year, three or four times the quantity of grain has been sown as in preceding years.

What are the articles that are in request with the Inhabitants in Exchange for their produce ?

Reply. The usual assortment of goods that are acceptable in other parts of the Colony. Tea, Sugar, rice, cloths, hardware, cottens and woollens, cutlery, spirits and wine.

Do the Farmers make wine or distil spirits ?

Reply. Not in any quantity, and the wine is very inferior in quality.

Do the Bastards trade with you in that part of the Colony ?

Reply. They do in the Bokkeveld to some extent, but also in a limited degree at Clanwilliam, and the Oliphants River.

Have you had any concerns with the Inhabitants of the Kamiesberg ?

Reply. Not hitherto, but as I am about to form an Establishment in the Kamiesberg I expect to extend our Business in that quarter, and have already communicated with Mr. Shaw the Missionary.

Do you purpose to carry your Commercial views higher up the Coast ?

Reply. I do, and it is my intention to proceed with the object of examining the Coast further to the Westward, and of ascertaining the facilities that may attend the opening a communication with the remoter part of the District. This will be more with the view of opening the Communication than of deriving present profit from the undertaking. When I have visited those parts of the Coast I may be induced to employ a larger vessel in the Trade, by which I shall be able to export some articles of produce that I have hitherto not been able to receive, such as Barley and Oats, Rice, Horns and Cedar Planks.

Is the Cedar Wood much in demand at Cape Town ?

Reply. Of late there has been a considerable demand for it for furniture, as it is extremely well calculated for that purpose. It is procurable at reasonable rates, and in any quantity.

(Signed) W. LIESCHING.

[Enclosure 8 in the above.]

Evidence given by MR. GEORGE BAKER to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 23rd April 1825.

You came out as a Settler in the party of Mr. Palmer ?

Reply. I came out in a party that joined Mr. Parker, and Mr. Woodcock was at the Head of it.

What had been your line of life in England ?

Reply. I was a Carpenter, and latterly have followed the Branch of Machine Making.

Were you one of those Settlers who preferred remaining at Clanwilliam to being sent on to the Albany District ?

Reply. I am.

What quantity of Land was allotted to you ?

Reply. One hundred acres in consequence of my agreeing to leave my deposit money in Mr. Woodcock's hands for three years.

Did you cultivate any portion of the Land ?

Reply. I did for Two years and upwards, and I built one house and part of another.

Did your Cultivation succeed ?

Reply. The wheat was good, but there was very little of it. Was it well watered ?

Reply. For eight months of the Year the Supply of water was good. I led it out upon the Land from a Stream that rises at the head of the valley.

Did this cost you much labour ?

Reply. It certainly did.

What quantity of your Land do you think you could have brought into Tillage ?

Reply. About half a dozen Acres.

Have you sold your Allotment ?

Reply. No, I have not, but I have had an offer of 1000 Rix-Dollars for it, at a long credit. I have let it for 40 Rix-Dollars per annum.

Did any other of the settlers establish themselves on their Locations ?

Reply. Three besides the persons who are still at Clan William for about 12 Months.

Do you think that you could have produced on your Land a sufficient quantity of wheat and Grain for your own and the Subsistence of your family ?

Reply. I could not.

Had you any Grazing Ground ?

Reply. I had a certain portion on the Mountain and in the Boggy Land near the River, but it was necessary to attend the Cattle always to prevent them trespassing upon the cultivated Land.

Do you remember the location of Mr. Parker ?

Reply. I do, the place that he cultivated for his garden, together with the Building that he put up, fell within Mr. Woodcock's grant from which those persons who were of his Party drew Lots after dividing it into Ten portions.

Do you recollect that the boundary line of Mr. Van Wyk's Land and that of Mr. Parker were fixed by Mr. Tulleken ?

Reply. I do, I assisted in digging the Pit for a boundary Mark.

Do you know that Mr. Parker conceded to Mr. Woodcock 1000 Acres of Land in the Kleine Valley from this boundary ?

Reply. He did so, the line of the Boundary ascending from the Pit that we dug to a large White Stone on the Hill above.

In consequence of a dispute that arose between Mr. Parker and Mr. Woodcock, did any subsequent admeasurement of the Land take place ?

Reply. There did, by Mr. Tulleken, and the parties who had locations from Mr. Woodcock subscribed to defray the expences of the measurement.

Was it found that Mr. Parker's house and cultivation were within Mr. Woodcock's Land ?

Reply. It was.

How much of Mr. Parker's house had been built when the new admeasurement took place ?

Reply. About Three Feet, some parts were higher.

Have you ever made use of it ?

Reply. Only as a Kraal for Cattle.

Was it built of Stone ?

Reply. It was, and as far as it had gone was a good piece of work.

What quantity of Land had Mr. Parker cultivated ?

Reply. I think about an acre for a Garden, but he had been at some expense for Labour employed in making a course for the water.

Do you remember the offer that was made to the Settlers to remove to Albany ?

Reply. I do.

Do you think that at that time Mr. Parker had made any purchases of Cattle or Stock ?

Reply. He had purchased a few, but how many I cannot tell.

Do you know whether he had brought out with him any Implements of Agriculture ?

Reply. He had Ploughs and Harrows, and likewise Iron in Bars and Cast Iron.

Do you know whether these articles had been sent up to Clan William by Mr. Parker before the Offer was made to remove to Albany ?

Reply. There were a small part of them.

How do you know this ?

Reply. Because a part of these things were sent up before we arrived ourselves at Clanwilliam, and when we arrived there we found Mr. Parker's People at work.

Do you know whether any preference was given to Mr. Parker in the choice of the locations at Clan William ?

Reply. When he returned from Clan William to Saldanha Bay he came on board the *East Indian* Transport and called us together on deck to communicate the result of his visit, he said that he and Mr. Francis had been to Clanwilliam, and that three offers of Places had been made to him. He described them, and then said that he had chosen the Kleine Valley, though he did not think that it contained a sufficient quantity of Land for the Party. He did not like any one of them.

Do you think that there was a sufficient quantity of Land in the Kleine Valley for Mr. Parker's party ?

Reply. Certainly not.

(Signed) GEORGE BAKER.

[Enclosure 9 in the above.]

Evidence given by MR. WILLIAM CONN to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 10th May 1825.

You came to the Cape with Mr. Parker in 1820 ?

Reply. I did.

How long did you remain with his Party after your arrival ?

Reply. About Two years and a half.

How many of Mr. Parker's party remained with him during his residence at Clan William and at Saldanha Bay ?

Reply. I do not precisely remember, the greater number of them remained with him at Clanwilliam and many went with him to Saldanha Bay.

Were they articted Servants, or had they advanced the Sums which were deposited for them ?

Reply. The greater number were articted Servants. There were some few Settlers of the Party, of whom I was one.

How were they subsisted by Mr. Parker ?

Reply. Mr. Parker was obliged to feed them before the Government gave rations. The Settlers who were not Servants provided for themselves, but some had occasional assistance from Mr. Parker.

How long may the Settlers at Clan William have subsisted themselves before the Rations were granted by Government ?

Reply. I believe about Twelve Months.

Did Mr. Parker's party receive any rations at the time they were issued to others at Clan William ?

Reply. Very few of his party remained at Clanwilliam at the time that Rations were issued. Those who did remain received them.

Are you aware whether those who accompanied Mr. Parker to Saldanha Bay received any rations from Government.

Reply. They did not, I believe Mr. Parker incurred the whole expence of transporting them to the Bay and of subsisting them there. They were all his articted Servants, with exception of Three individuals, including myself.

Did he allow them full rations ?

Reply. He did.

How long was Mr. Parker settled at Saldanha Bay ?

Reply. From a year and a half to two years.

What were the objects to which he directed his attention there ?

Reply. To the improvement and cultivation of the Farm.

Was the Soil fit for Cultivation ?

Reply. It was. Mr. Parker obtained in the first year forty muids of wheat and a crop of Potatoes that were superior to any I have seen in the Colony. These returns assisted him in supporting his people, who were enabled also to catch a considerable quantity of fish. When Mr. Parker came away some of his people were enabled to sell the Fish that they had dried, as it was more than they had required for their own use.

Is it your opinion that Mr. Parker might have succeeded in settling his Party at Saldanha Bay ?

Reply. I think he might readily have done so, had he possessed the means of maintaining his people. If the Rust

had not attacked his Corn, he would have had an ample Crop to have carried them through the year. Many of the People had also gardens, in which they grew Pumpkins and Vegetables. The potatoes were grown in a fine Black Clay Soil, and the wheat in Clay mixed with Sand.

Was not the water Brackish ?

Reply. It was slightly so, but perfectly wholesome.

Did Mr. Parker keep any Cattle ?

Reply. He did. The Lands were well calculated for keeping Cattle and Goats, but not for Sheep.

(Signed) WILLIAM CONN.

[Enclosure 10 in the above.]

*Evidence given by MR. ALEXANDER OXHOLM to the
COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 11th May 1825.

Were you employed by the Commissariat Department in issuing Rations to the Emigrant Settlers at Clan William ?

Reply. I was, they were issued under my Superintendence.

Were rations issued by you to Mr. Parker's party, in common with the other Settlers ?

Reply. I issued rations to Mr. Parker's party from the 22nd November 1820, when I went to Clan William, till the 31st December 1821, when I came away. The same Rations were issued to the other parties.

Did not a considerable part of Mr. Parker's Settlers quit Clan William in August 1820 ?

Reply. I cannot state the number, but they were few, Mr. Parker having left the Party a Head was appointed to sign for the rations at Clan William.

Were any rations issued to those that accompanied Mr. Parker ?

Reply. Rations were only issued to those of his Party that remained at Clanwilliam.

What were the proportions of the full ration that were issued for the women and Children ?

Reply. Two thirds for the women, one half for Children

above Seven Years, and One Third for the younger Children. During the last three months, from September to December 1821, I believe the rations were reduced to one half for the men, and proportionately for the women and children.

Have you any account of the number of Men, Women and Children that accompanied Mr. Parker to Saldanha Bay ?

Reply. I have not.

(Signed) A. OXHOLM.

[Enclosure 11 in the above.]

Evidence given by MR. J. A. TULLEKEN to the COMMISSIONERS OF ENQUIRY.

You are one of the Surveyors of the District of Tulbagh ?

Reply. I am.

Were you sent, and by whose order, to assist in the location of the settlers in that District in the year 1820 ?

Reply. I was ordered by the then Landdrost J. H. Fischer to proceed for that purpose to Clanwilliam in compliance with a Government letter dated 13th April 1820.

Look at the enclosed Memorandum setting forth the quantity of Land contained in each place of location, and say whether it was drawn up by you ?

Reply. A plan comprising the Land measured for the different Settlers was drawn up by me, which Plan however did not specify the quantity of Land contained in each place of Location.

Did you give it to Mr. Parker ?

Reply. I gave no such Memorandum to Mr. Parker, but recollect to have stated to him upon his inquiry the quantity of good Land which I, from a casual view, calculated the different places of location to contain.

Was it made out at his request and from actual measurement of the land, or from a casual view of it ?

Reply. Answered.

What is the description of Land of which Jan Dissel's Valley consists, and the same of the other vallies enumerated in the Memorandum ?

Reply. The general description of Jan Dissel's Valley and the other vallies (with the exception of a few morgen of garden

ground) is a barren sandy and Karroo mixture, which however after abundant Rains will do for pasture.

Do you mean to say, in reference to the description of Jan Dissel's Valley, that the Land attached to the Drostdy consisted of 300 Morgen, leaving only 80 Morgen for Government purposes ?

Was any portion, and how large, of these 300 or 80 Morgen taken away from the Drostdy for the purpose of providing for the Settlers ?

Reply. With reference to the 7th and 8th queries I must remark that no Land was left to the Drostdy except the Garden and a large tract of barren sandy pasturage.

Can this Land be irrigated and is the supply of water from the River constant and ample ?

Reply. Part thereof can be irrigated by means of the Jan Dissel's River, which affords a constant and sufficient Supply.

Is the Karroo Land equal in quality to the large Plain in which the Town of Worcester stands ?

Reply. Where it can be irrigated I do suppose it to be nearly the same.

Do the Rivers and Springs that water Klein Valley, Great Partridge Valley, Little Partridge Valley, and Varkens Valley, afford a good and permanent supply ?

Reply. As I have not been in the dry season at these different places, it is not possible for me to state whether there is a good and permanent supply of water.

What is the nature of the surrounding Country ?

Reply. A barren, Sandy, mountainous Country.

How many families do you think could have been located on these Lands with a view to subsist themselves with the produce ?

Reply. About four or five.

Are there many or any wealthy Farmers in the neighbourhood of the Deputy Drostdy ?

Reply. There are a few in fair circumstances, but I do not suppose them to be wealthy.

Has the Population increased within the last few years at the Drostdy ?

Reply. This I cannot state.

How many days journey is it from Cape Town, and how many from Saldanha Bay ?

Reply. Having never travelled those Roads it is not in my power to determine the proper distance ; but I am informed that from Cape Town to Clanwilliam is about three days journey on Horseback, and from Clanwilliam to Saldanha Bay about $2\frac{1}{2}$.

What was the nature of the dispute that took place between Mr. Parker and Mr. Woodcock ?

Reply. I do not know.

Did you measure the Land that Mr. Parker had assigned to Mr. Woodcock, and did you find that he had afterwards trespassed upon it ?

Reply. I did measure the Land, but cannot say whether Mr. Woodcock did or did not trespass upon it.

Do you know whether Mr. Woodcock had agreed to pay value for this land, and whether in fact he did pay for it ?

Reply. I do not know.

How much Land had Mr. Parker or his people thrown into cultivation when he gave up his place ?

Reply. As I had left Clanwilliam before Mr. Parker gave up his place, I cannot say what quantity of Land his people had cultivated.

How much Land does Mr. Ingram now possess, and in which of the Vallies ?

Reply. I cannot precisely say.

Did the Deputy Landdrost Mr. Bergh express to you or to Mr. Parker any opinion of the inadequacy of the Land for the location of all the Settlers that had arrived ?

Reply. He did.

How many Persons did Mr. Parker's party consist of that were entitled to receive land, and what would have been the total quantity that the Party would have required ?

Reply. I am not acquainted with the number of Mr. Parker's Party, consequently cannot state how much ground they would have required.

Does the annexed advertisement of Mr. Ingram give a correct description of his Land adjoining the Deputy Drostdy at Clanwilliam ?

Reply. It does not.

(Signed) J. A. TULLEKEN.

[Enclosure 12 in the above.]

*Evidence given by Mr. J. A. TULLEKEN to the COMMISSIONERS
OF ENQUIRY.*

CAPE TOWN, 17th June 1825.

It appears by your answer to the last question that was proposed to you, that you do not recollect by whose Orders you measured the 1000 Acres of Land that were found to interfere with the Cultivated Land of Mr. Parker. Do you recollect by what Person or Persons you were paid for your Trouble, and what was the sum you received for it ?

Reply. On more mature recollection I was desired by Mr. Ingram and I think also by Mr. Bergh (tho' not officially) to measure this quantity of Land for Mr. Woodcock. I believe that Mr. Ingram paid me for my trouble, and I think I received about 25 Rds. more or less.

In measuring this quantity of Land did you commence your Operation from the Boundary of Van Wyk, that you had at first pointed out to Mr. Parker and the other Settlers ?

Reply. I cannot recollect from what Boundary I began to measure.

After you had measured the 1000 acres, did you apprise the other Settlers, Mr. Ingram, Mr. Woodcock and others, of the mistake you had made in commencing the mensuration of them from the wrong boundary line that you had at first pointed out ?

Reply. I cannot recollect whether I did or did not point out the mistake in the boundary of Mr. Parker's Land to Mr. Ingram and the other Settlers.

Did you apprise the Deputy Landdrost Mr. Bergh of this mistake ?

Reply. I think I did.

Do you know whether the Boundary Line was afterwards corrected, or whether new Landmarks were placed ?

Reply. It was corrected afterwards by myself.

Did it appear to you that any persons then about to settle on the Lands had any interest in adopting the first boundary line that you had pointed out, either with a view to include

Land of a better quality in their Locations or to deprive Mr. Parker of his ?

Reply. It did not appear to me that the Persons who were at Clanwilliam had or felt the Interest supposed by this Question.

Did you ever see or peruse the contents of a Letter addressed by Mr. Parker to Mr. Woodcock, in which he pointed out to him the Boundaries of the 1000 acres of Land that he was to have, commencing at the boundary of Albert van Wyk ?

Reply. I never did see or read such a Letter of Mr. Parker's, but I remember Mr. Parker telling me that he wished to locate Mr. Woodcock towards the Northern boundary of his Grant of Land in the Kleine Valley, (meaning from the Northern boundary of Van Wyk).

Refer to the answers of G. Baker appended to these interrogatories, and say whether at the time that this boundary of Albert van Wyk's Land was fixed by you, any persons dug a Pit or placed any marks, and whether the same was done by your direction ?

Reply. I remember that some persons dug a Pit, but whether it was when I first fixed the Boundary or after I corrected it I cannot exactly say.

For what reason or on what Account did you correct the Boundary that you had at first drawn between Van Wyk's Land and Mr. Parker's ?

Reply. Because I discovered that I had made a mistake in fixing Van Wyk's Boundary.

At what period, or how soon after did you discover that you had made this mistake ?

Reply. I cannot recollect.

What circumstance occurred that led you to suppose or believe that you had made a mistake in drawing the Boundary ?

Reply. After looking at my Diagrams I found that I had made the Boundary of Mr. Van Wyk too much in advance.

Have you never mentioned this circumstance to the Deputy Landdrost or to any of the parties interested ?

Reply. I think that I apprized Mr. Bergh of the mistake, and I recollect to have mentioned it to Mr. Parker, but not to anybody else.

Have you any doubt at this moment that you did make a mistake in fixing the Boundary ?

Reply. I have no doubt that I did make the mistake.

(Signed) J. A. TULLEKEN.

CAPE TOWN, 17th June 1825.

Evidence of MR. J. A. TULLEKEN, on oath, continued.

What was the quantity of Land of Van Wyk that you found to be wrongly included in Mr. Parker's grant ?

Reply. There was a breadth of about 20 roods, and the length about 200 roods, making about 4000 Square Roods or 13 Acres.

To this amount then a deduction ought to have been made from the Land of Mr. Parker, if the boundary line of Van Wyk had been corrected ?

Reply. I think that the correction of the Boundary would have made an alteration in Mr. Parker's Land nearly to this amount.

Had the Land of Van Wyk been measured and surveyed before you measured the Land for Mr. Parker ?

Reply. I measured it just before I measured the Land for Mr. Parker. I had received an Order from the Government to form a general plan of Clanwilliam, and to fix the Boundaries of the Loan places, for the purpose of finding what quantity of Government Land there was at their disposal.

(Signed) J. A. TULLEKEN.

[Enclosure 13 in the above.]

Letter from CAPTAIN DUNCAN CAMPBELL to MR. WILLIAM PARKER.

GRAHAM'S TOWN, June 12th 1821.

SIR,—Inclosed are copies of letters which I received some time back from Mr. Francis and from Mr. White ; I have been prevented addressing you sooner on the subject to which they refer, from having but little leisure to do so since they came to hand.

I should have felt considerable surprize at your inclination to enlist me in your altercation with the Colonial Government

had I not experienced your efforts in the same cause whilst I was at Saldanha Bay. I thought the sentiments I then expressed would have deterred you from renewing the attempt, but as they failed to do so, I feel it necessary to put on record all the circumstances which occurred relating to the subject.

Shortly after my return from the River Zonderend, you called on me at Cape Town ; you entered into a detail of your grievances, and of your complaints against the Colonial Government ; you dwelt particularly on the disappointment you experienced in not finding a sufficiency of arable Land on your Location, which you expected would be chiefly of that description ; and you further stated that you had received information from Mr. Bergh, the deputy Landdrost of Clanwilliam, which induced you to conclude that the Colonial Government had *intentionally* sent you to a District in which you could not exist. I mentioned to you that Mr. Buissinné had stated to me the number of acres of arable Land, of those capable of irrigation, and of those applicable to grazing. You admitted the statement to be correct ; but you still maintained that there was not a sufficiency of arable land. As to my saying anything about Mr. Buissinné “being induced by Colonel Bird to make a different Report from the real character of the Land,” I have only to observe that this is wholly of your own invention, for in point of fact I never knew, nor do I now know, that Mr. Buissinné was ever called on to make a specific Report on these Lands. I imagined that the quantity and quality of the Land would have come from the Surveyor of the District, and I supposed that Mr. Buissinné’s information had been derived from that source.

A few days after the conversation above alluded to, you again called on me, when you expressed yourself satisfied with the Colonial Government, they having given you two Islands in Saldanha Bay, some land adjoining the Shore, and certain privileges of fishing, burning Kelp, &c., and you concluded by observing that “you must now be satisfied, as they had complied with every request you had made.”

When the *Sir George Osborne*, Transport, touched at Saldanha Bay for those of your Party who were proceeding to this Settlement you informed me that you were again at variance with the Colonial Government. I reminded you of the Sen-

timents you expressed the last time I had seen you at Cape Town, to which you replied that all which the Government had granted you was not worth accepting. You produced a letter which you had just written to Mr. Stoll, filled with Complaints against Colonel Bird, and which you read to Mr. Francis and me. Shortly afterwards Mr. White arrived, when you read the letter to him also. *Then, but not till then*, did I discover that you had introduced my name into it, a circumstance *which you carefully concealed* whilst reading it to myself. I instantly expressed the utmost surprize and displeasure at the discovery; I insisted on the immediate erasure of my name from your letter, as you had either misunderstood or wilfully perverted what I said at Cape Town. Without hesitation or reply, but with considerable embarrassment, you made the desired erasure. I then strictly enjoined you never to introduce my name into your affairs, as I was a perfect stranger to every circumstance respecting them. With this injunction you promised to comply; how well you have kept your word your letter to Mr. Francis will bear witness.

It is not for me to give an opinion on your differences with the Colonial Government, but it is due from me to declare that I have received from every branch of it the greatest attention and even kindness, and if I suffered some disappointment from my first location not appearing equal to my expectations, the very liberal offer of the Government (which has since been carried into effect) of providing for myself and people the means of Transport here and supplying us with Rations for 12 Months free of charge has been a sufficient compensation for whatever expence and inconvenience I may have suffered in the first instance. I am &c.

(Signed) DUN. CAMPBELL.

[Copy.]

Letter from SIR RUFANE DONKIN *to* M. URE, ESQRE., M.P.

34 PARK STREET, GROSVENOR SQUARE, *June 18, 1825.*

MY DEAR SIR,—I was both surprised and concerned to see it stated in the papers that Mr. Wilmot Horton had said in

the House of Commons that "feelings of Hostility existed between Lord Charles Somerset and me," with what sentiments Lord Charles Somerset may be actuated towards me, I neither know nor care, but I most distinctly disclaim anything, and everything, like Hostility on my part towards him.

I know nothing of Lord C. Somerset personally, the only points of Contact between us have been our mutually relieving each other in the Government of the Cape of Good Hope. Beyond this, we are strangers to each other, my feelings therefore towards him, whatever they may be, can have no origin but on *public* grounds, and can have no Character but what springs from those grounds.

Having stated thus much, I have no hesitation in declaring to you, what I would have declared in my place had I succeeded in my endeavours to obtain a seat this session in the House of Commons, that I most entirely disapprove, on *public* grounds, of the whole of Lord Charles Somerset's conduct as Governor of the Cape of Good Hope, both in its general Character and in all its details ; and I am firmly convinced it has been most ruinous to that Colony.

In the welfare of that Colony I take a strong interest, not more from my having held the Government for two years, and from gratitude towards the Colonists for their attachment to me, than from the precepts and example of Earl Bathurst, who, as Secretary of State, taught me in his Despatches, and by the tenor of all his instructions, that the welfare of the Colony was to be first, and last, in my mind ; and, should I ever have the opportunity, in consequence of any enquiry in the House of Commons, I shall bear the strongest testimony to the wisdom of Lord Bathurst's arrangements touching the Cape, to the anxious solicitude He always evinced for its Prosperity, to the liberality and soundness of his views, to the support He gave me by the punctuality and copiousness of his Correspondence, and, above all, to his high sense of honor and justice in a Government where, by its Constitution, the Executive has the delightful power of originating and doing much good, coupled with the portentous and sometimes tempting one of doing much evil.

Those qualities of Lord Bathurst, while they called forth my personal admiration and respect, endeared his Name to the

whole Colony ; for, while I was there, I took care to teach them that, if there was anything good in my administration, it originated, under our Gracious Sovereign's approval, in Earl Bathurst, whose instructions it was merely my duty to execute.

May I now beg that you will, either yourself get up and set this matter right in the House of Commons, or, should this be inconvenient to you, that you will request some other member on *your* side of the House to do so ; but, at the same time, when this disclaimer shall be made on my part of any such unworthy feeling as personal hostility, (foreign as it is to my whole character and principles), I must desire that it may be coupled with a distinct declaration, in my name, of my unqualified disapprobation of all Lord Charles Somerset's measures in general, and in detail.

Pray tell Mr. Wilmot Horton what I have requested of you, although from a feeling of respect for his Station, and of esteem to himself in return for his courtesy and kindness to me on all occasions, I shall send him a copy of this letter.

I have no objection to your shewing this letter to any Member of the House. Pray believe me &c.

(Signed) R. S. DONKIN.

[Original.]

Letter from CAPTAIN R. C. HARKER to EARL BATHURST.

WOODVILLE, NEAR GEORGE,
CAPE OF GOOD HOPE, 19th June 1825.

MY LORD,—That this letter may reach your Lordship at a time when your mind may be unbent from the great toil of your high office is my earnest prayer ! then shall you not throw it aside as containing nothing but every day occurrence.

The person, my Lord, who at this remote distance presumes to intrude on your valuable time, within three years past held the rank of Captain in the 15th Foot ; fond of my profession, yet occasionally oppressed by the heavy expence of a large and encreasing family, I anxiously looked round to better

their condition whilst activity of body was given me ; deluded by reports which represented this Colony a second Eden, I was induced to sell my Commission, and after great expence in outfit and passage arrived at Cape Town in December 1823. No sooner had I placed my foot on shore than the appalling truth was told me, that the farmers were starving, that with considerable capital and much diligence a poor living might be obtained, but to save property was out of the question.

What was I to do ? put into the army at an early period of life, unacquainted with any business, my expenses great, driven almost to desperation, my little stock of ready money (about £2000) daily diminishing, I hastily purchased this Estate, about three hundred miles from Cape Town, for about £600, and instantly conveyed my family to the spot. Here the necessary stock of cattle, sheep, horses, waggons, and implements of husbandry, together with erecting a house, have totally exhausted the remainder of my money. And what is my prospect :—my eye surveys a fine extensive property of 5000 acres, capable of raising abundance of corn, yet I can only cultivate a small spot, and why ? because the prices will not pay the expence of its cultivation. Money there is none in the interior, and commodity must be taken in barter, added to which labourers cannot be had ; the Hottentots in this district are few and difficult to get, and good slaves are generally sold from two to three hundred pounds each. The European servants I brought out with me I can no longer support. One faithful slave boy and one Hottentot only remain, and the care of the cattle almost exclusively takes up all their time. An unusually wet winter has destroyed many of them, and upwards of three hundred of my sheep. I have no hope of replacing them. Misfortune with rapid strides pursues my every step in this ill-fated country, threatening every moment to overtake and crush my devoted head ; for myself I care little, but I implore your Lordship to compassionate an amiable wife and eight interesting children, chiefly females, and unable to shift for themselves, remotely situated from any other habitation. No place of worship wherein to seek fortitude and consolation, poverty likely to overwhelm them, and to sink them into a state of barbarism. O ! what is to be their fate should the acuteness of my feelings

prove too powerful for endurance!! hitherto they have lived caressed in the world and enjoying the comforts of a refined society, alas! not a being about them can even speak their language.

Your Lordship may say, why do I harass your feelings by a detail of my miseries? Because Providence has given you an exalted situation and the means of dispensing good, and above all, the disposition to do so. I beseech, I implore you, my Lord, to save my family, to snatch me from utter ruin from this country, employ me anywhere or how, I will most readily devote myself to any fatigue of body or mind my humble abilities may be able to accomplish, convinced your Lordship would never offer me any situation wherein the proud feelings of an old captain would suffer, in meeting with any of his old associates. Often when my mind dwelling on the future approaches almost to insanity and desperation, the idea of your Lordship presents itself, a secret something urges me to make my sorrows known (until now untold to human being), and gives me a presentiment that my prayer will be heard. O! cast me not aside, my Lord, if not in your present power to provide for me let me still court life in the hope that a time may come, your Lordship alone can withdraw the screen, and diffuse life and light around me. Unlike many who emigrate dissatisfied with their Country, restless and anxious for change, the impetus to my action was alone the good of my family. I am no imposture my Lord, nor a beggar of ordinary cast, whom a few pieces would render happy. I plead for the salvation of my interesting little ones and their mother, whom my mistaken judgment is likely to involve in wretchedness and ruin.

But 'tis necessary your Lordship should know the character who addresses you. From 1810 to the peace of 1815 I held the situation of Major of Brigade in Jersey, and served under Majors General Wm. Robertson and Hatton, both since dead. Sir George Don who commanded there still exists, to whom, and to Lt. Colonel Davidson and all the officers of the 15th Regiment and my respectable agent Thomas Bonnor Esq., 14 Angel Court, Throgmorton Street, I beg to refer your Lordship as to the honor and integrity of my character.

I must no longer intrude on your Lordship.

The hands of my wife, my children and my own are raised in breathless expectation towards you. May the God of Heaven direct your compassionate consideration of us !!!

I have &c.

(Signed) R. C. HARKER,
late Captain 15th Foot.

[Original.]

Letter from MR. THOMAS WILLSON *to* R. WILMOT
HORTON, ESQRE.

STOCKWELL, 20 June 1825.

SIR,—With a desire to avoid the importunity natural to a person placed in my situation (I may truly say by a total suspension of all my worldly affairs, consequent upon the tedious and galling correspondence arising out of my claims upon the Colonial Government, for I cannot with stability or confidence enter upon any subject of business whatever pending this discussion) I have been induced to sojourn for a few weeks upon the Continent, anxiously hoping upon my return to meet that satisfactory reply which I had reason to believe must necessarily result from the communication which I had the honor to address to Earl Bathurst so long ago as the 14th April last. It is impossible to express the chagrin which now perplexes me finding *no answer* to that communication ! In the common occurrences of life I should have been spared these excessive mortifications, and I must beg Sir to assure you that I shall cherish it as an act of *humanity* when you will vouchsafe to relieve me from the very painful entreaty contained in my several Letters. With every due respect and high consideration I have &c.

(Signed) THOS. WILLSON.

[Original.]

Letter from the REVEREND WM. GEARY *to* R. WILMOT
HORTON, ESQRE.

6 SOMERSET PLACE, ALBANY ROAD,
CAMBERWELL, 21st June 1825.

SIR,—I beg to acknowledge the receipt of your letter of the 16th Inst. in reply to mine of the 25th ulto., stating my willingness to accept the Gold Coast Chaplaincy on the conditions which I took the liberty of submitting to the Noble Secretary of State in that communication.

Circumstanced as I am, without employ, or even the prospect of any (an evil that has existed from the date of my removal to the present time), I should but little consult my own interest, were I to throw any unnecessary difficulty in the way of meeting a proposal from the Colonial Department, the benevolent object of which was favorable to the means of my procuring a maintenance for my family.

I therefore beg to present my grateful Acknowledgements to Earl Bathurst, for the readiness with which His Lordship has been pleased to accede in part to my proposals, as well as for his Liberality in consenting that my Salary should commence from the date of my Appointment.

Under therefore a full reliance that His Lordship, from a view of my peculiarly unfortunate situation, will favor me as far as will consist with his own regulations, I thankfully accept the situation of second Chaplain on the Gold Coast; and as you have the kindness to inform me, that by remaining in Africa I have a claim to promotion (under the circumstances stated in your Letter) I will waive my claim on his Lordship's promise of appointing me to another Colony.

Requesting therefore the means of making as early a preparation for my Departure as possible, I have &c.

(Signed) WM. GEARY.

[Copy.]

HANSARD'S *Parliamentary Debates.*

22 June 1825.

Conduct of Lord Charles Somerset at the Cape of Good Hope.

Mr. Brougham postponed his motion for taking into consideration the petition of Mr. Bishop Burnett against the governor of the Cape of Good Hope until the beginning of the next session. Upon consideration, he found it would be improper to open charges which could not be answered that session.

Mr. Secretary *Canning* said, that the circumstances had been referred to the commissioners of inquiry sent out to the Cape of Good Hope. Leave of absence had also been forwarded to lord Charles Somerset, that he might, if he thought fit, return to meet the charges made against him. But, whether his lordship came home or not, the commissioners would prosecute their inquiry at the Cape. Certain it was, that the office had not sufficient means of information to warrant the House to undertake the investigation at present. Neither would it be consistent with fairness and justice, since the government had sent out a leave of absence, to proceed, until it was seen whether or not lord Charles Somerset would avail himself of it.

Mr. *Wilmot Horton* took that opportunity in reply to a question put to him the other day, to state, that Edwards was an escaped felon from New South Wales, and was at the Cape, but had had no concern in these transactions.

Lord *E. Somerset* said, that feeling interested in the character and reputation of his noble relative, against whom such serious charges had been brought, he was naturally anxious to take the earliest opportunity to assure the House, that the noble lord, so far from shrinking from an inquiry into his conduct, was desirous of submitting his whole proceedings to the fullest and most complete investigation. A commission was now engaged in inquiries into all the measures of his noble relation, and it was the object of that noble lord to give every facility

to the proceedings of that commission. The more the conduct of his noble relative was inquired into, the more satisfactory would that conduct appear to the world, and the more completely would he be rescued from those abuses and attacks to which he had been lately exposed. Anonymous publications had been circulated against his noble relation, and the utmost pains had been taken to diffuse such slander throughout the Cape. Some of these charges were of the most atrocious nature ; but at the same time, their inconsistencies with each other destroyed the credibility of the whole of them. He conjured the House to suspend its judgment until the report of the commissioners had arrived, and until his noble relative should return to England, if he thought it necessary to avail himself of the leave of absence which had been offered him.

Mr. *Brougham* said, he had never read one line against lord Charles Somerset, except the petition of Mr. Burnett, and a case relating to his professional duties at the bar. He was totally unprejudiced against lord Charles, but nevertheless he thought that the charges against him ought to be investigated. Of all men on earth lord Charles, if he were innocent, ought to be the most desirous for that investigation. One charge was, that the noble lord had fixed the criminality of a publication upon Mr. Burnett, whereas the real culprit was the notorious Oliver the spy.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 23rd June 1825.

MY LORD,—I have the honor to acknowledge the Receipt of Your Lordship's Dispatch of the 22nd February last, No. 146, transmitting to me a Copy of Major Holloway's Report upon the Pass over the Fransche Hoek Mountains, and it affords me the sincerest gratification to receive assurances of Your Lordship's approbation of this noble work.

Agreeably to Your Lordship's commands I have the honor to transmit to Your Lordship an Estimate of the whole

Expenditure of the work up to the 31st ultimo, together with an Estimate of the Expenditure of the final completion of it, and of the Toll House which it has been deemed expedient to erect upon a scale of sufficient extent to enable the keeper of it to accommodate Travellers, from which a considerable rent is expected to arise. I have the honor also to accompany the Estimate with the Copy of an Explanatory letter from the Commanding Engineer (Lieutenant Alexander).

Major Holloway's return here is daily expected, when his first duty shall be to make an exact Estimate of the further projected works, viz. a Road over the Flat from Cape Town to Stellenbosch and the rendering the Kogman's Kloof available, which I will do myself the honor to submit for Your Lordship's consideration and further commands previous to undertaking them. I am happy to add that the Road over the Fransche Hoek Mountain has so far withstood the effects of this winter, without receiving any injury whatever. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Statement of the actual expenditure that has been incurred on account of the Road making over the Fransche Hoek Kloof.

					Rds.	Sks.	Sts.
During the year 1823	.	.	.	.	23,492	3	2
„ 1824	.	.	.	.	47,739	6	3
Up to 31st May 1825	.	.	.	.	19,413	3	5
					90,645	5	4

Equivalent in Sterling at the Exchange of Rds. 13 4 per £ to £6,529 0s. 1d., which exceeds the Estimate amounting to £6,222 17s. 3d. by £306 2s. 10d. It is however to be observed that the above sum of £6,222 17s. 3d. was calculated at the Exchange of the Day (Rds. 14 6 1).

Estimate for the final completion of the work Rds. 8,363 7 sks. 4 sts. or £592 2s. 9d., making the total cost £7,121 2s. 10d.

[Enclosure 2 in the above.]

ROYAL ENGINEER OFFICE,
CAPE TOWN, 6th June 1825.

SIR,—In framing the enclosed Estimate by the directions of His Excellency the Commander of the Forces of the probable expence of the work remaining to be performed at the Fransche Hoek, I have the honor to observe that its amount cannot fairly be considered as an excess on the Sum last Estimated, as it comprises Services totally distinct from the original design, which I consider to have been effected when a good and efficient road wide enough for two waggons to pass was completed, this has been the case since February last with the exception of the two bridges where some unforeseen difficulties had occurred.

The first work comprised in the accompanying Estimate, the erection of the Toll House, may be considered as likely to afford a very favourable interest for the Sum expended on it, as from its construction and situation it is calculated to answer also the purpose of an Inn.

The raising of the parapet wall in certain parts, and the macadamizing the ascent on the Fransche Hoek side were not contemplated as necessary at first, and though it be very adviseable to undertake them, the first, for the safety of the Traveller, and the latter to prevent constant repair (which from the looseness of the soil at that part would inevitably be necessary) yet the original project would be accomplished, these additions having grown out of the local experience obtained.

I have taken the liberty of recalling these points to His Excellency's recollection to shew that the idea entertained in the Estimate last submitted (by the late Lieut. Mudge R.E.) of the probable expence and period of the termination of the Services, was not an erroneous one, as had no more been desired than was at the time considered necessary the undertaking would have been finished nearly at the time, and for the Sum specified. I have &c.

(Signed) CHAS. ALEXANDER, Lieut. R. Engs.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 23rd June 1825.

SIR,—I am directed by Earl Bathurst to desire that you will issue to Mr. H. E. Faure the sum of Fifty Pounds to enable him to proceed to Holland to obtain his ordination as a Minister of the Reformed Religion. I am &c.

(Signed) R. W. HORTON.

[Original.]

Letter from JOHN BARROW, ESQRE., to R. W. HORTON, ESQRE.

ADMIRALTY OFFICE, 25 June 1825.

SIR,—I am commanded by my Lords Commissioners of the Admiralty to transmit to you the accompanying copy of a letter from the Navy Board with an extract of the one therein referred to from Sir Jahleel Brenton recommending the propriety of obtaining from His Majesty's Government for the Service of the Naval Department the absolute grant of a piece of land consisting of about 80 acres on the left Bank of the Knysna at the Cape of Good Hope, of which Sir Jahleel had obtained a provisional grant in 1820 ; and I am to request you will be pleased to lay the same before Earl Bathurst, and move his Lordship to give the necessary instructions for complying with the recommendations of the Navy Board. I am &c.

(Signed) JOHN BARROW.

[Enclosure 1 in the above.]

NAVY OFFICE, 23rd June 1825.

SIR,—Sir Jahleel Brenton having while Commissioner at the Cape of Good Hope (in the year 1820) considered it expedient for the Public Service to procure from the Colonial Government a provisional grant of 80 Acres of Land on the left Bank of the

Knysna, with a view of securing a communication with the great Road to the Forest, and it appearing by a letter which we have lately received from the Naval Officer at Simon's Bay, that application has been made to the Governor by two individuals for a grant of this land, which has been refused until the determination of the Naval Department on the expediency of retaining possession thereof is made known, we enclose an extract of the Commissioner's letter on the subject, and request you to acquaint the Lords Commissioners of the Admiralty that we consider the possession of this spot likely to prove, at some future period, of material advantage to the Service, and we therefore beg you to move their Lordships to apply to the Secretary of State for the Colonies, to instruct Lord Chas. Somerset to give the Naval Department an absolute grant of the Land in question. We are &c.

(Signed) R. SEPPINGS,
H. LEGGE,
R. MIDDLETON.

[Enclosure 2 in the above.]

Extract of a Letter from SIR JAHLEEL BRENTON, late Commissioner at the Cape of Good Hope, dated 17 March 1821, to the Navy Board.

Altho' disappointed in procuring means of growing Hemp in the neighbourhood of the Knysna, I felt it my duty to secure a portion of Land there, in order to prevent our being shut out from the Forests, which might have been the case by the Proprietor of the Estates on the left bank dividing them, as was his intention, into small Farms ; and I have in consequence after consulting with His Excellency the Governor and the Colonial Secretary upon the expediency of the measure, obtained 80 acres of Land, which is to include the best landing place, the watering place, and to communicate with the great Road to the Forest. As no expense attends this measure, which is merely provisional, and the Land, if not required for Naval purposes, may be again relinquished, I have felt no hesitation in adopting it, and I hope it will meet your approbation.

[Original.]

Letter from **LIEUTENANT T. C. WHITE** *to* **EARL BATHURST.****ARNOLD, NOTTINGHAM, June 25th 1825.**

MY LORD,—Having so early as October 1823 submitted to His Majesty's Commissioners of Inquiry at the Cape of Good Hope, a detailed statement of certain acts on the part of Lord Charles Somerset, the Governor, which compelled me to relinquish my intention of forming a permanent settlement in the Colony, I trust I shall not be considered precipitate in now soliciting your Lordship's interposition and protection.

The circumstances which I beg to bring under your Lordship's notice may be briefly stated as follows :

I arrived in Table Bay with a Party of Settlers in April 1820, and immediately proceeded by direction of the Acting Governor to the Zonder-End River at the distance of about 70 miles from Cape Town ; the land assigned to us at that place being in our opinions ill calculated for agricultural purposes, we were removed to the new district at the eastern extremity of the colony ; the appearance of the land there also, and the knowledge I had by that time acquired of the capabilities of the soil generally, left me no doubt as to the insufficiency of the grant to which my agreement with the home Government entitled me. I therefore addressed a memorial to Sir Rufane Donkin, praying His Excellency to extend it to the size of the Farms in that part of the colony which are called by the Dutch Inhabitants " Full places."

A Copy of my Memorial with His Excellency's assent to the proposed extension on the back of it, I beg leave to submit for your Lordship's consideration.

Conceiving that the good faith of the Colonial Government was pledged for the execution of the grant I had solicited, I did not hesitate to incur considerable expense in the erection of houses, in making enclosures, and in otherwise improving the location. These expenses were continued for nearly three years, when the Government Surveyor informed me that he was directed to measure no more land for me than the number of my party originally entitled me to, and notwithstanding I offered the fullest explanation of the nature of my claim for a

larger grant, His Excellency Lord Charles Somerset repeatedly refused to sanction it, and without assigning any reason for doing so.

I had therefore no alternative but to return to England whilst the wreck of my property still afforded the means, or to occupy a Farm of only 1200 acres in a part of the country where, each head of cattle requiring 20 acres for its support, the Dutch farmer is usually permitted to hold 6000 acres, and cut off by the resumption of Sir Rufane Donkin's grant from all communication with any River.

My disbursements in furthering the objects of the emigration, amounting to upwards of £700 sterling, having been thus sacrificed through the infraction of a sacred obligation, (imposed on the Government by Sir Rufane Donkin's grant as registered in the Colonial Office) and from no other cause whatever, I submit with confidence to your Lordship a claim for indemnification. I have &c.

(Signed) T. C. WHITE,
Lieut. H. P. 79 Foot.

[Copy.]

Arrangements of the Locations of the British Settlers in Albany.

Locations per Head of Parties.	Acres of Land originally assigned.	Number of Settlers now possessing Title.	Notes.
Bailie	11,340		Could not be arranged in consequence of the party persisting in its differences. Some separate grants have also been made to Individuals of it.
„	2,020		
	13,360		
Barker	1,145	1	Sole Proprietor in right of Articled Servants brought out, none of whom remain on the Land.
Biggar	1,820	1	„ „
Bowker	1,026	1	„ „
„ additional	2,000		
Bradshaw	1,987	14	Independent Party.

Locations of the British Settlers in Albany.—continued.

Locations per Heads of Parties.	Acres of Land originally assigned.	Number of Settlers now possessing Title.	Notes.
Brown & Stubbs . .			Not measured.
Butler (supposed) . .	4,000	1	„ Sole Proprietor.
Campbell, Major General		1	„ „
Campbell, Captain. .		1	Extent not known, supposed 1,200 acres.
J. & F. Carlisle . .	1,268	2	Sole Proprietors.
Clarke	2,175	7	Independent Party.
Cock	4,400	26	„
Crause	1,745		„
Dalgairns	1,765	1	Sole Proprietor.
Daniell, Lieutenant . .		3	Not measured, came out at their own expense.
Dixon	1,780	3	Independent Party.
Dyason	2,896	5	„ being Partners in the concern
Erith	1,370		Considered by me to be abandoned.
Ford	2,310	10	Independent Party
Francis	1,084	1	A servant remains in occupation during Mr. F.'s absence.
Gardner	1,724	3	Independent Party.
Greathead	1,295	1	Sole Proprietor.
Hayhurst	1,210	8	} Independent Party.
„ Cawood's Division.	1,840	9	
„ Watson's „ . .	632	2	
„ Murray's „ . .		1	Not defined.
Holder	1,120	7	Independent Party.
Howard	1,610	9	„
Hyman	2,700	11	„
James	1,350	12	„
Leech (late Parkins) . .	1,330	1	Sole Proprietor, Land abandoned by the rest of the Party.
Latham	1,420	4	Independent Party. Transferred from Clanwilliam.
Liversage	1,250	8	Independent Party.
Mahoney	3,128	1	Sole Proprietor.
Mandy	1,260	5	Independent Party.
Menzies	1,473	7	„
Mills	1,027	2	„ the original Proprietor having resigned.
Morgan	1,275	6	Independent Party.
Morton & Wilkinson . .	2,540	3	Entitled to Lots of a Partnership of 5 Persons.
Mouncey	1,204	6	Independent Party.
Nottingham Subscription Party	5,540	36	„
Osler	1,100	3	„

Locations of the British Settlers in Albany.—continued.

Locations per Heads of Parties.	Acres of Land originally assigned.	Number of Settlers now possessing Title.	Notes.
Owen	1,195	2	Independent Party.
Phillips	2,040	1	Sole Proprietor.
Pigot	3,660	1	"
Rubidge, Lieutenant		1	"
Richardson	1,430	4	Independent Party.
Rowles	1,200	5	"
Scanlan	1,920	6	" transferred from Clanwilliam.
Scott	1,800	1	Party now broken up.
Sephton or Salem	11,830	71	with 3 further Shares for Minister, Independent Party.
Smith, George	2,950	16	Independent Party.
Smith, William, & Turvey	4,270	2	A Partnership Concern, now in other hands.
Southey	1,400	4	Partly Independent.
Stanley	1,080	1	Sole Proprietor.
Thornhill	1,686	1	"
Wainwright	1,210	4	Independent Party.
Wait	2,952	1	Sole Proprietor.
White	1,200	1	A servant left on the Land by Mr. White during his absence.
Willson	10,300	30	and a glebe for Minister, Inde- pendent Party.

(Signed) WM. HAYWARD.

CAPE TOWN, 25 June 1825.

[Original.]

*Letter from MR. THOMAS WILLSON to R. WILMOT
HORTON, ESQRE.*

STOCKWELL, 27 June 1825.

SIR,—It having been intimated to me that a change is about to take place in the appointment of Inspector, or Surveyor, of the public buildings at the Cape, I have been strenuously urged by my friends to apply to Earl Bathurst for that employment, it being immediately adapted to my professional

pursuits, and His Excellency having expressed a wish to confer upon me such an appointment in the event of a vacancy ; if his Lordship will be pleased to nominate me to that employment, I would instantly resign all claims upon the Colonial Government, if such should be the wish of Earl Bathurst, which would effectually terminate this long protracted and very painful correspondence, and I trust would restore harmony amongst the Settlers whom I have located in the Albany district : will you be pleased Sir to inform me if such an arrangement will be acceded to ? I have &c.

(Signed) THOS. WILLSON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 28th June 1825.

MY LORD,—I have the honor to acquaint your Excellency that I have granted permission to Mr. Dashwood to remain in this Country for one year, on account of the impaired state of his health. I have &c.

(Signed) BATHURST.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to* EARL BATHURST.

CAPE TOWN, CAPE OF GOOD HOPE, 28 June 1825.

MY LORD,—By His Majesty's Ship *Andromache* we had the honor of transmitting our Report upon the address presented to your Lordship in the year 1823 by the Principal British Settlers in the Albany District, and we now take the earliest opportunity of forwarding certain documents referred to in that report, the preparation of which could not be completed in time for transmission by the *Andromache*.

The particulars of these documents will be found in the enclosed Schedule, and we request that they may be added to the appendix accompanying our report. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

GOVERNMENT HOUSE, CAPE TOWN, 28th June 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter, under date the 24th instant, and in reply to transmit to you a Return of all Pensions, of whatever description, now charged upon the revenues of this colony; specifying those that have been granted in currency or in sterling, and those that are paid by the Colonial Agent in England. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Return of Pensions charged upon the Revenues of the Colony of the Cape of Good Hope.

Late Situation.	Name.	Date of Grant.	Amount per Annum.
Retired Servants :			
Resident of Saldanha Bay .	J. Stoffberg .	25 Oct. 1806	<i>Rds. s. s.</i> 360 - -
Postholder of Sweetmilk's Valley .	C. D. Wentzel .	12 July 1814	300 - -
Government Gardener .	J. Redford .	6 Feb. 1815	300 - -
Officer of Health (Table Bay) .	J. Sinkantyn .	6 May 1816	600 - -
Member of the Court of Justice .	P. Daniel .	15 Aug. 1817	2,000 - -
President of the late Insolvent Estate's Chamber .	E. Bergh .	1 Jan. 1819	3,000 - -
Member of Ditto .	J. T. Serrurier .	1 Jan. 1819	1,125 - -
Landdrost of George .	A. G. van Kervel .	1 Oct. 1819	2,000 - -
Deputy Landdrost of Clanwilliam .	O. M. Bergh .	30 Nov. 1821	1,200 - -
Landdrost of Tulbagh .	J. H. Fischer .	4 Jan. 1822	2,000 - -
Member of the Court of Justice .	C. Matthiessen .	21 Feb. 1823	2,000 - -
Minister of the Paarl .	J. W. L. Gebhardt .	19 June 1823	1,500 - -
Sequestrator .	R. J. v. d. Riet .	22 Jan. 1825	2,000 - -
Individuals wounded in the Service of Government :			
In the pursuit of some Hottentot rebels .	J. J. Swanepoel .	19 Feb. 1805	25 - -
In the pursuit of Cogan and his accomplices .	T. Mostert .	19 Dec. 1817	360 - -

N.B.—The Secretary of State has authorised a pension to be granted to Lieut.-Colonel Bird, the late Colonial Secretary, at the rate of £800 sterling per annum, for his life, or £600 a year for his life, with a pension of £300 a year for that of Mrs. Bird, in case of her surviving him; but Colonel Bird has not yet signified his assent to either arrangement.

Return of Pensions.—continued.

Late Situation.	Name.	Date of Gra.it.	Amount per Annum.
Widows of Civil Servants :			
Of the late Ensign Butler, Cape regiment	Mrs. Butler	26 Jan. 1807	£26 sterling.
Of a member of the Court of Justice	Mrs. E. de Man	13 May 1809	Rds.300
Of the chief justice*	Mrs. W. S. van Ryneveld	14 Aug. 1812	£500
Of the superintendent of Plettenberg's Bay	Mrs. M. Meeding	-- July 1813	sterling.
Of a field commandant	Mrs. G. Stoltz	9 Mar. 1814	Rds.300
Of the colonial paymaster	Mrs. T. Sheridan	12 Sept. 1817	300
			£300
			paid by the colonial agent in England.
Of a field commandant	Mrs. W. Nel	1 Jan. 1818	Rds.300
Of the colonial secretary	Mrs. H. Alexander	6 May 1818	£300
			sterling, paid by the colonial agent in England.
Widows of Clergymen :			
Of a late minister of Cape Town	Mrs. N. Kuys	25 July 1804	Rds.360
Of a late minister of Stellenbosch	Mrs. G. Kuys	29 Jan. 1785	169
Of a late minister of Tulbagh	Mrs. W. Ballot	1 July 1814	360
Of a late church clerk at the Paarl	Mrs. J. D. Herman	1 Jan. 1818	200
Of a late minister of Graaff-Reinet	Mrs. J. A. Schutz	4 Oct. 1821	360
Of a late minister of Cradock	Mrs. D. Evans	16 Dec. 1823	360

* Mrs Ryneveld died since the date of this Return.

RECAPITULATION.

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>	<i>£</i>	<i>s.</i>	<i>d.</i>
Pensions of retired servants.	18,385	—	—	1,378	17	6
Pension of Colonel Bird, at the rate of	—	—	—	800	—	—
Individuals wounded in the service of Govern- ment	385	—	—	28	17	6
Widows of civil servants	—	—	—	1,216	—	—
Widows of clergymen	1,809	—	—	135	13	6
Pensioners of the Cape Corps :						
44 at 1 sk. per diem	2,007	4	—	239	10	7½
16 at 9 st. „	1,095	—	—			
1 at 2 sk. „	91	2	—			
				<hr/> £3,798 19 1½ <hr/>		
Total				£3,798	19	1½
Deduct the pension of the late Mrs. Ryneveld				500	—	—
				<hr/> £3,298 19 1½ <hr/>		
Deduct also the difference between Lieutenant-Colonel Bird's pension, at the rates of £800 and £600.				200	—	—
				<hr/> £3,098 19 1½ <hr/>		

(Signed) RICHD. PLASKET, Secy. to Govt.

CAPE TOWN, 28th June 1825.

[Copy.]

Government Advertisement.

With reference to the Ordinance of His Excellency the Governor in Council, No. 2, dated the 6th of this month, making British silver money a legal tender throughout this colony, in discharge of debts due to individuals, or to the public, at the rate of one shilling and sixpence for each paper rixdollar:—Notice is hereby given, That until further orders, any person or persons wishing to exchange British silver money (received by them as a legal tender in payment of debts) for paper rixdollars, at the same rate at which the British silver money is issued, may obtain such paper money by applying to the Bank

on Mondays and Fridays in each week, from 10 A.M. till noon.

No applications, however, will be attended to for sums under 100 rixdollars, or £7 10s. sterling.

Any person resident in the country districts, who may wish to effect such exchange of British silver money for paper rixdollars, will receive the same on application to the several Landdrosts for any sum, to the extent of 100 rixdollars or upwards.

Cape of Good Hope, 28th June 1825.

By His Excellency's command,

(Signed) R. PLASKET, Secy. to Government.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 29th June 1825.

MY LORD,—The House of Commons having presented an address to His Majesty praying that he would be graciously pleased to order certain information to be laid before them relative to the Population of the Colony under your Government, I am to desire that your Excellency will transmit to me a Return of the Population in each year from 1812 to 1820 inclusively with the number of Births and Deaths in each year, distinguishing the white and the free black or coloured Population from the Slave Population, distinguishing also the Sexes and as far as can be ascertained the number of those below ten years of age from the number of those above that age. I have &c.

(Signed) BATHURST.

Amount of Paper Money in Circulation on the 30th of June 1825.—continued.

			<i>Rds.</i>	<i>sk.</i>	<i>st.</i>	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
1791: Dec.	31	Brought forward	5,000	—	—	885,743	5	4
1792: June	16	In further addition	4,400	—	—			
		"				9,400	—	—
		Total amount in circulation, June 30th 1792				895,143	5	4
		Which amount on the establishment of a Lombard Bank in 1793 was increased to				1,000,000	—	—
		Since which period, between 11th of June 1795 and 15th September 1795, the paper currency was further increased by issues to the amount of				291,276	7	—
		Total amount of Paper Money in circulation at the surrender of the Colony in September 1795				1,291,276	7	—
		The following Sums were afterwards stamped and issued by order of the English Government, viz.						
1797: Mar.	21	As an addition to the paper money in circulation	250,000	—	—			
1802: Feb.	9	In addition to the fund of the Lombard Bank	165,000	—	—			
		As a grain fund	80,000	—	—			
		Total amount of Paper Money in circulation in March 1803, when the Colony was given up to the Batavian Government				495,000	—	—
		The Batavian Government in 1804 ordered that a new kind of paper money should be issued in lieu of the sum in circulation, with a diminution of <i>Rds.</i> 276.7	1,706,000	—	—	1,786,276	7	—
		As also, that the sum created in 1802 as a grain fund, and which was accounted for by the British Government to the Dutch Commissioners, instead of being destroyed should be replaced	80,000	—	—			
						1,786,000	—	—

Amount of Paper Money in Circulation on the 30th of June 1825,—continued.

		<i>Rds.</i>	<i>sh.</i>	<i>st.</i>	<i>Rds.</i>	<i>sh.</i>	<i>st.</i>
1814: Mar.	Brought forward				3,171,204	5	0
4	Destroyed eight instalments of <i>Rds.</i> 3,000 each, paid into the treasury by the inhabitants of the Stellenbosch District, in part liquidation of the sum of <i>Rds.</i> 75,000, advanced to them after the confiscation in 1804	24,000	—	—			
"	Destroyed the first annual instalment paid into the treasury by the Burgher Senate, on account of the expenses incurred in laying iron water-pipes through the whole town, and which expenses were originally defrayed by the colonial government	15,000	—	—	39,000	—	—
May 24	Remained in circulation in March 1814				3,132,204	5	—
1815: June 30	Destroyed the instalment repaid by the Stellenbosch District	3,000	—	—			
	As above	3,000	—	—	6,000	—	—
Oct. 28	Remained in circulation in June 1814				3,126,204	5	—
	As an additional capital to the grain fund				100,000	—	—
1816: June Aug.	Amount in circulation				3,226,204	5	—
7	Destroyed the instalment repaid by the Stellenbosch District	3,000	—	—			
1817: July 11	Destroyed the capital added to the grain fund, on the 28th October 1815	100,000	—	—			
1819: Sept. 3	Destroyed the instalment repaid by the Stellenbosch District	3,000	—	—			
1820: July 3	As above	3,000	—	—			
1821: July 27	"	3,000	—	—			
1822: Aug. 9	"	3,000	—	—			
	Remained in circulation in August 1822.				118,000	—	—
					3,108,204	5	—

1822: Aug.	8	As a fund to the Lombard Bank, to assist such of the farmers from, as had suffered during the late rains and storms	.	.	.	200,000	-	-
		In circulation in August 1822	.	.	.	3,308,204	5	-
1823: Aug. Dec.	22 19	Destroyed the instalment repaid by the Stellenbosch District Destroyed the sum which was placed in the Lombard Bank, in August 1822, as a fund to assist those farmers from, who have suffered by the storms in 1822	.	.	.	3,000	-	-
			.	.	.	200,000	-	-
1824: July	16	The instalment repaid by the Stellenbosch District	.	.	.	3,000	-	-
						206,000	-	-
						3,102,204	5	-

Total amount of Paper Money at present in circulation.

507	.	Notes of	.	500	Rix Dollars	.	.	253,500	-
387	.	"	.	400	"	.	.	154,800	-
456	.	"	.	300	"	.	.	136,800	-
448	.	"	.	250	"	.	.	112,000	-
990	.	"	.	200	"	.	.	198,000	-
7,687	.	"	.	100	"	.	.	768,700	-
306	.	"	.	75	"	.	.	22,950	-
6,764	.	"	.	50	"	.	.	338,200	-
297	.	"	.	40	"	.	.	11,880	-
2,365	.	"	.	30	"	.	.	70,950	-
2871	.	"	.	25	"	.	.	71,775	-
15,479	.	"	.	20	"	.	.	309,580	-
22,457	.	"	.	10	"	.	.	224,570	-
20,426	.	"	.	5	"	.	.	102,130	-
8,187	.	"	.	4	"	.	.	32,748	-
16,218	.	"	.	3	"	.	.	48,654	-
42,874	.	"	.	2	"	.	.	85,748	-
75,085	.	"	.	1	"	.	.	75,085	-
72,298	.	"	.	$\frac{1}{2}$	"	.	.	36,149	-
105,988	.	"	.	$\frac{1}{4}$	"	.	.	26,497	-
171,909	.	"	.	$\frac{1}{8}$	"	.	.	21,488	5
									<hr/>
TOTAL	.	.	.	.	.	.	.	Rds.3,102,204	5

Paper money in circulation on the 1st January 1825 Rds.3,102,204 5

Deduct the 20th instalment repaid by the Stellen-
bosch District, and destroyed 27th June 1825 Rds. 3,000 -

In circulation Rds.3,099,204 5

(Signed) J. W. STOLL, Rec. General.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 1 July 1825.

MY LORD,—I have the honor to acquaint Your Lordship, that I have this day forwarded to Mr. T. P. Courtenay the Colonial Agent per the English Ship *Britannia*, Robert Bourke, Master, the Returns of Casualties in the Slave population of

this colony corrected to the end of the year 1824, in order to be delivered by him to the Registrar of Colonial Slaves in England. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 2 July 1825.

MY LORD,—In compliance with the directions contained in Your Lordship's Despatch of the 27th September last, I caused the Judicial Document that accompanied the same to be served upon Mrs. A. A. S. Kuchler, Widow of J. H. Pfeil, and I have the honor to transmit to Your Lordship a copy of a letter from the Magistrate of the Cape district, together with the notice in original, by which Your Lordship will perceive that the Document in question has been duly served upon that Individual. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from MR. JOHN CARNALL to R. WILMOT HORTON, ESQRE.

6, COMMERCIAL PLACE, OLD KENT ROAD, 2nd July 1825.

SIR,—Under the apparent course of proceedings with respect to Lord Charles Somerset, I beg to inquire whether any objection now exists on the part of Earl Bathurst to my immediate return to the Cape.

It will be apparent to his Lordship, that hurried as I was from the colony, my affairs were necessarily left in a very unsettled state; and that the same illegal violence on the part of the colonial government which forced me away, prevented me also securing much documentary evidence of the charge upon which I was banished.

As I can but think his Lordship's sense of justice will readily furnish me with an opportunity of securing the proofs in

question, and as the only pecuniary resources I have are unavailable without my presence at the Cape, I feel equally sure his humanity will be as operative in relieving me from a situation that otherwise must speedily be one of utter destitution.

I have to request you will be so obliging as to favour me with your early answer. I have &c.

(Signed) JOHN CARNALL.

[Copy.]

Petition to the KING.

To the King's Most Excellent Majesty.

The Humble Petition of the Committee appointed by the Freeholders and Inhabitants of Cape Town, convened under the Sanction of Government for taking into consideration the operation of the Ordinance of His Excellency the Governor in Council of the 6th June Ultimo making British Silver Money a legal Tender in discharge of all Debts due by and to Individuals at one shilling and six pence sterling for each Paper Rix Dollar.

Most Gracious Sovereign,

We your Majesty's most loyal and dutiful Subjects, the Committee appointed by the Freeholders and Inhabitants of Cape Town, convened under the sanction of Government for taking into Consideration the Operation of the Ordinance of His Excellency the Governor in Council of the 6th of June Ultimo making British Silver Money a legal Tender in discharge of all Debts due by and to Individuals at One Shilling and Sixpence for each Paper Rix Dollar,

Impressed with grateful acknowledgements for your Majesty's increasing and unremitting Solitude for the Welfare, Happiness and Prosperity of this Colony, in so many ways already exemplified, beg leave with all humility to lay themselves at your Royal Feet, humbly imploring your Majesty's most gracious attention to the grievous distractions which it is conceived will arise to the Colony at large, should this Measure of

your Majesty's Royal Wisdom be established as a fixed and permanent Currency.

But on account of the Distance of the different Districts of this widely extended Colony, it is impossible to obtain with all the assiduity and vigilance of your Majesty's dutiful and Loyal Subjects the Committee, the Information for which they are so more immediately deputed as a Body at this early period to collect.

Your Majesty's most dutiful and loyal Subjects the Committee cannot acquit their loyal feelings in duty to your Majesty without thus taking the earliest and first Opportunity of humbly addressing your Majesty thereon (a vessel being now on the eve of departure) trusting and imploring your Majesty will be graciously pleased to direct His Excellency the Governor in Council of this Settlement to suspend the Operation of the above Ordinance until such time as your Majesty's Petitioners shall have an Opportunity of laying at your Majesty's Royal Feet the prayer of the Public on this Subject.

Your Majesty's Petitioners as in duty bound will ever pray.

(Signed) WILLIAM HAWKINS, Chairman
E. BERGH,
G. H. MAASDORP,
C. MATTHIESSEN,
HAMILTON ROSS,
J. J. VAN DER BERG,
STEPHEN TWYCCROSS,
WM. ROBERTSON,
J. F. BECK,
H. G. MUNTINGH,
A. CHIAPPINI,
HENRY BUCKTON,
ALEXR. McDONALD,
for P. L. CLOETE, HENRY CLOETE,
J. H. NEETHLING,
J. J. L. SMUTS,
D. F. BERRANGE,
J. A. JOUBERT,
H. CLOETE, LAWCE. SON, Secretary.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 4th July 1825.

MY LORD,—We have the honor to transmit to your Lordship our Report upon the complaints and allegations preferred by Mr. William Parker against Lieutenant Colonel Bird the late Colonial Secretary, as well as upon those that have appeared to us to contain charges against the Colonial Government, during Mr. Parker's residence in this Colony.

We have to express our regret that so much time should have elapsed in transmitting these reports, but we beg to assure your Lordship that the multifarious and general nature of the charges has imposed upon us a task of some difficulty in collecting the evidence and documents that bore directly upon the points at issue or that tended to explain the transactions in which Mr. Parker was personally engaged. We have also experienced great delay and difficulty in procuring the attendance of some of the witnesses, and we feel ourselves bound to notice in an especial manner to your Lordship the conduct of one of them, the Surveyor of the District of Worcester, whose evasive answers to our written interrogatories imposed upon us the necessity of requiring his personal attendance and explanation upon a point of considerable importance to the interest of Mr. Parker.

As we found that most of the documents referred to in the charges against Lieutenant Colonel Bird became more or less the subjects of reference in our report upon the complaints of Mr. Parker against the Colonial Government, we have not thought it necessary to annex copies to each report, but have made marginal references to the documents that are common to both. We have &c.

(Signed)

JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to MR. THOMAS WILLSON.

DOWNING STREET, 4 July 1825.

SIR,—Earl Bathurst having had under his reconsideration all the circumstances of your case as represented in the several communications which you have at various periods addressed to this Office, has directed me to acquaint you that he sees no reason whatever to deviate from the decision on your claim to receive a Grant of ten thousand Acres of Land in the district of Albany at the Cape, which was communicated to you in my letter of the 14th February last, and which decision his Lordship must consider to be final.

By departing in the first instance from your location, and ultimately from the Colony, without any regular or legal appointment of an Agent to conduct the Affairs of the Party which accompanied you from England, you forfeited all the rights and advantages which might have belonged to you had you complied with the conditions of the General Memorandum upon the faith of which you proceeded to the Cape. His Lordship can therefore only consider you now in the light of an Individual Settler belonging to one of the Parties which left England under the conditions above adverted to, and if you should think proper to return to the Colony, Instructions will be given to the Local Government to make such a grant of Land to you as an individual circumstanced like yourself may be entitled to. I am &c.

(Signed) R. W. HORTON.

[Original.]

Memorial of the Directors of the London Missionary Society.

The Memorial of the Directors of the London Missionary Society Humbly Sheweth,

That your Memorialists with deep concern again find them-

selves compelled urgently to entreat your Lordship's attention in reference to their Missions in South Africa.

That your Memorialists have greatly to lament, that the representations which they have on former occasions respectfully laid before your Lordship, and which as they still conceive, are perfectly just and reasonable, have been so far unavailing as to have induced, on the part of the Colonial Authorities, no relaxation whatever of the rigor of their acts, while on the contrary, other measures have since been pursued by them calculated to aggravate the grievances formerly complained of.

Your Memorialists beg leave in the first instance briefly to advert to those grievances :—

1st. (Generally.) Violation of the natural rights of the Hottentots, in regard to the disposal of their own labor and choice of residence ;—the roots of many other grievances, vexations and privations, (some of which have been laid before your Lordship in the Memorial presented by your Petitioners on the 26th August 1823) by which the progress of Christianity and Civilization is opposed, and the condition of the Hottentots degraded even below that of Slaves.

2. Services required by the Local Authorities, to be performed by the Resident Missionary at Bethelsdorp, entirely incompatible with the nature and duties of his office.

3. The menaced danger to the Settlement at Bethelsdorp, by the alienation of the Surplus Lands to the neighbouring farmers, notwithstanding the increasing population of that Institution requires, and the excellent conduct of the Hottentots merits, an extension of the privileges formerly enjoyed.

4. The injury done to the Settlement by the prohibition to the Hottentots to cut wood, either for staves or firewood, except in places which do not supply such as is suitable for those purposes.

To the above mentioned grievances your Memorialists learn, by advices recently received, that another has been added of a most injurious description. The Missionary who, as your Lordship is aware, exercises a spiritual office, has been required by the Colonial Authorities to discharge the duties of a tax-gatherer. He is called upon to make out lists of the Hottentots liable to pay the tax, named the *Opgaaf*, to issue notices requiring such persons to attend and pay the same, to collect

the said tax, to present himself at the stated time before the Landdrost at Uitenhage, with all the requisite documents, and to pay the whole amount of the tax himself, or to present a list of defaulters.

It may be proper to state to your Lordship that the case of the Moravian Mission at Enon has been alleged by the Colonial Authorities as a precedent for the Institution at Bethelsdorp ; but your Memorialists beg leave to state that the cases are extremely dissimilar, which they are prepared to show should the proof be required.

It is quite unnecessary to point out to your Lordship the injurious effects which cannot but arise from requiring an individual sustaining the character of a Missionary (who should be the object of universal esteem and attachment among the people of his charge) the performance of services which must unavoidably tend to diminish his influence, and to defeat his best endeavours to promote their moral and social improvement.

The excessive grievance now stated appears to have been the filling up, as it were, of the sufferings of the Superintending Missionary at Bethelsdorp ; and your Memorialists beg leave to quote, for your Lordship's more perfect impression of the weight in which it is actually felt by him, the following passage, contained in a letter from him upon the subject :

“I am quite unequal to this struggle. I beg you will find some one to occupy my place and relieve me. I look back with regret upon my situation among the savages, and far from civilized men, in the sandy deserts of Namaqualand, and shall gladly return to those deserts again, if you will permit me to retire from this station.”

These, My Lord, are not to be regarded as the desponding expressions of a weak mind, easily discouraged, but the language of a sensible man, possessed of such firmness as to have ventured, with a family, to dwell among the savages and who would now greatly prefer all the inconveniences, privations and risks of such a life to the constant annoyances to which he is exposed at his present station.

Your Memorialists are concerned to be under the necessity of stating further grievance which has been lately inflicted, as your Memorialists are informed, on the Society's Institution at Theopolis (a station which has heretofore suffered much

from the proceedings of the Colonial Authorities) by the Inhabitants of that Settlement having been deprived of the use of the *surplus lands* of the Institution. The effect of this measure is greatly aggravated by the circumstance, that about eighteen months ago nearly the whole of that Settlement was destroyed by violent rains and consequent inundations, and the inhabitants thereby reduced to a state of deplorable distress from which they are only now recovering, through aid afforded by the Society, and the benevolence of individuals at Cape Town and in England. Your Memorialists are persuaded, that your Lordship cannot fail to be sensibly impressed with the severe hardship inflicted by the measure now complained of.

Your Memorialists, unwilling to repeat their importunate appeals to your Lordship, for protection to the Society's Missions, avail themselves of this opportunity of bringing to the recollection of your Lordship, the heavy grievance formerly stated to your Lordship relative to the Society's station called *Caledon Institution*, situated in the district of Zwellendam.

So long ago as 1819, it appeared evident that the individual appointed to that Station was unfit for his office, and it was accordingly determined to remove him, and to place there a missionary who might have a just title to that appellation. This measure was, however, unexpectedly resisted on the part of the Colonial Government, and every effort since made by the Society to accomplish the object has failed. The consequence has been such as your Memorialists anticipated, viz. the present ruin of the Institution, as will appear to your Lordship from the following statement :

When the said Missionary first arrived in 1812 the number of Cattle belonging to Caledon Institution was 1300, and in March last it was reduced to 33, and the Hottentot houses (or huts) to 9.

Your Memorialists cannot contemplate the destruction of this Institution, without the greatest pain, and deeply lament, that the Colonial Authorities should have prevented the Society from adopting the requisite measures for its preservation, as proposed in 1819, and that they should have continued to refuse every succeeding application having that object, until at length the Institution itself can scarcely any longer be said to exist. It being now, however, understood

that the Colonial Authorities have resolved to dismiss the individual to whom the ruin of the Station is chargeable, your Memorialists have to entreat your Lordship to direct, that it be placed as formerly, under the care and management of the Society, and that no such interruption as that which your Memorialists complain of be, in future, permitted to frustrate its exertions for the benefit of the people who reside there.

It may be proper to state that a representation of grievances at the Institution at Bethelsdorp was made by the Society in 1822, and an investigation followed, the result of which, to the surprise and sorrow of your Memorialists, was very unfavorable. Application was made at the Government Office, at Cape Town, for copies of the documents which formed the ground of the decision come to by the Government, but they were refused. Copies, however, were afterwards obtained at Bethelsdorp, and a paper was thereupon prepared, shewing the impropriety of the decision, and the same was delivered at the Government office at the Cape, where it has since remained neglected, the grievances complained of meanwhile continuing unredressed.

In 1818 an attempt was made by the Colonial Government to withdraw the Missionaries from their connexion with the Society, which partially succeeded. Its missions to the Bushmen and Caffres were about the same time destroyed, in consequence of measures adopted by the Colonial Authorities, and even those in the remote deserts of Namaqualand were not left unmolested. The course pursued by the same Authorities as to Caledon, deprived the Society of that Institution, and efforts have been since made to deprive it of the Institution at Pacaltsdorp.

Your Memorialists repeat their unfeigned expressions of concern that they have been placed under the necessity of bringing before your Lordship so many painful facts, involving proceedings, on the part of the Colonial Authorities, which your Memorialists are constrained to regard as repugnant to the principles of the British Government, and injurious to the character of the British nation. Indeed, that attempts of the most disinterested kind to improve the moral and social condition of a degraded portion of our fellow creatures, living

under the protection of the British Government, should be thwarted and counteracted by persons representing that Government cannot, your Memorialists conceive, be contemplated without mingled astonishment and pain.

The concern of your Memorialists is greatly increased when they consider, that many of the grievances complained of, have been laid before His Majesty's Government several years ago, and that instead of these grievances having been redressed, others have been since inflicted of a still more painful description, unavoidably impressing the conviction upon the minds of your Memorialists, that the Colonial Authorities are disposed to regard the appeals made to your Lordship for redress of the grievances complained of, as ground of augmented severity.

With regard to the evidence by which the above-mentioned facts are supported, your Memorialists beg leave to observe, that documents exist which will, as they believe, satisfactorily substantiate every statement, and that as to many of them, your Memorialists are able to furnish Copies of original papers and correspondence, should the same be required by your Lordship.

Your Memorialists have now respectfully to request your Lordship will be pleased to direct that such instructions be sent out to the Representatives of His Majesty's Government at the Cape of Good Hope as your Lordship may deem best calculated to further the object of this Memorial, viz. that the several grievances complained of in your Memorialists' Petition of the 26th August 1823 and in their more recent Memorial of the 11th December 1824, respecting the surplus lands at Bethelsdorp as well as those detailed in the present Memorial (particularly the restoration of what is called *Caledon Institution* to the Society), the removal of the oppressive civil duties imposed upon the Missionary at Bethelsdorp, and the use of the surplus and other unoccupied lands in the neighbourhood of the Institutions of Bethelsdorp and Theopolis to the Hottentots belonging to those Institutions, respectively.

Your Memorialists beg your Lordship will impute the earnestness with which your Memorialists entreat your Lordship's interposition, in order to the redress of the above mentioned grievances, not to any claims which, as individuals, they can presume to offer to your Lordship, but to the nature

of the cause which their humble endeavours have in view. They are pursuing no scheme of personal benefit, but simply and unostentatiously aim at an object, which they conceive all who regard the Scriptures as a Divine Revelation must consider as paramount to all others, viz. *the dissemination of the Gospel of Jesus Christ in the world*, and this in obedience to his own command, which as your Memorialists believe, is imperative on all who call themselves Christians.

And your Memorialists &c., &c.

Signed on behalf of the Directors of the Society,

(Signed) WM. ALERS HANKEY, Treasurer.

To the Right Honorable Earl Bathurst,
Principal Secretary of State for the Colonial Department.

MISSION HOUSE, AUSTIN FRIARS, *July 4th 1825.*

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 5 *July 1825.*

MY LORD,—I have the honor to acquaint Your Lordship that in the year 1821 during my absence in England, the following advances were made from the Public Treasury under the Verbal authority of the Acting Governor Sir Rufane Donkin. To H. Waldegrave, on account of a Boat which he had contracted to build for the Service of Government, a Sum of One Thousand Rixdollars.

To the Commissariat Department a Sum of Three Thousand Rixdollars, in reimbursement of the amount advanced by that Department, on account of the drostdy House at Bathurst.

The amount of Two hundred and twenty Six Rixdollars, Six Skillings and Two Stivers was subsequently received from the Insolvent Estate of Waldegrave, but the deficit of Seven hundred and Seventy three Rixdollars One Skilling and Four Stivers, still remains unliquidated.

Having called upon the late Colonial Secretary (through

whom the Authority above alluded to, appears to have been conveyed to the Receiver General) for such explanations as he might be able to afford, relative to these Two Sums and to the disposal thereof, Colonel Bird informed me, that he was unable to throw any light upon the subject in question, the circumstances of the case not being in his recollection.

As it is highly desirable that these Sums should be duly brought to account, I have been under the necessity of authorising the Receiver General to debit the Government with the amount accordingly, being three thousand Seven hundred and Seventy three Rixdollars, One Skilling and Four Stivers, and I hope Your Lordship will approve of what I have done on this occasion.

I have the honor to enclose copies of the Correspondence that passed on this subject, and to Subscribe myself &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 5 July 1825.

SIR,—I have the honor to acknowledge your letter under date the 24th November last desiring that the necessary Enquiries may be instituted in order to ascertain what has become of Lawrence Redmond who you state, on being discharged from the 6th Foot at the Cape of Good Hope during the Month of May 1822 to have entered into the Service of the local Government as an Artificer, and to acquaint you for Earl Bathurst's information that Lawrence Redmond the Individual in question is at present employed in the Service of a Mr. Greffrath, who resides Three Miles from Cape Town, where he states to be satisfied.

I beg to enclose a Letter which he has delivered to me with a request that it might be forwarded to his Mother who resides in Ireland. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Report of the COMMISSIONERS OF INQUIRY to EARL BATHURST.

CAPE TOWN, 5th July 1825.

MY LORD,—In consequence of the sensation that has been created in this Colony by the publication of an Ordinance by His Excellency the Governor in Council, for making British silver money a legal tender in discharge of all debts due to individuals and to government, at the rate of one shilling and sixpence for each paper rixdollar, we deem it our duty to bring concisely under the consideration of your Lordship the result of our inquiries into the progress of the public debt, and the nature of the obligation arising from the security that had been pledged for it; and we shall proceed to offer to your Lordship such observations as have occurred to us in the consideration of the recent measure, and of the questions that have been raised upon it.

The engagement of the British Government to discharge the debt of the Colonial government that existed at the period of the surrender of the colony in January 1806, would appear to be comprehended in the tacit approval by His Majesty's government of the terms of a capitulation that was signed by General Sir David Baird on the 10th January 1806, by the 8th article of which it was agreed, that "the paper money actually in circulation should continue current as heretofore, until the pleasure of His Britannic Majesty should be known;" and by the 10th article it was agreed, that "the lands and houses, the property of the Batavian Republic, should remain as a security for that part of the paper money which was not secured by mortgage upon the estates of individuals."

In explaining the amount and value of the debt thus conditionally acknowledged, it may be necessary to take a short retrospect of antecedent transactions.

The first issue of paper currency would appear to have been made in the year 1782; and on the establishment of the Lombard Bank in the year 1793, the amount in circulation was one million of rixdollars. At the period of the surrender of the colony to His Majesty's arms in 1795, the amount stated to have been in circulation, was Rds. 1,291,276 7 skillings.

During the occupation of the colony by the British government, some further issues were made, to the extent of 495,000 Rds.; and the total amount of paper in circulation in 1803, the period of the restoration of the colony to the Batavian government, was Rds. 1,786,276 7 skillings.

Of this sum, 810,255 Rds. constituted the capital of the Lombard Bank, and which it was empowered to issue in loans upon mortgage of fixed property.

Rixdollars 250,000 had been created to meet the public expenses, and Rds. 80,000 had been created as a fund for the purchase of grain, in 1802. Both these latter sums were duly accounted for by the British government to the Batavian commissioner, and constituted a part of the debt for which the Batavian government became exclusively responsible.

In 1804, the Batavian government called in the whole of the paper in circulation, and re-issued, in exchange for it, a new paper currency.

Rixdollars 1,786,000 were thus re-issued, consisting of Rds. 810,255 previously circulated through the Lombard Bank and secured upon private mortgages, Rds. 895,745, that had been issued by the British and Batavian treasuries to meet the public exigencies, and Rds. 80,000, that had been created in 1802 as a fund for the purchase of grain. Three hundred thousand rixdollars were also created by the Batavian government in 1804, and added to the circulation, making the amount at the period of the capitulation in 1806, equal to Rds. 2,086,000; and, by the terms of the capitulation, the government lands and buildings were made the security for a debt to the public, of which the sums of 250,000 Rds. and 80,000 Rds. had been fully accounted for and discharged in 1803 by the delivery to the Batavian government of military stores and rice.

Although the nominal par of the Cape rixdollar was two Dutch guilders, or four shillings sterling, the paper currency circulated by the Batavian government, not being payable in or convertible for specie, had no fixed or determinate value in exchange, nor was any pledge given for its redemption or conversion by the government on whose credit it was issued. Its exchangeable value was therefore uncertain, and fluctuated according to the amount in circulation, and the demand for it

as a medium of internal exchange, as compared with the quantity of specie in the market, and the means of effecting commercial remittances.

In the regulation of the salaries of the public servants, a discount of 25 per cent was fixed as the rate of payments in currency compared with the payments made by government bills of exchange ; and from the difficulties in effecting commercial remittances arising from a suspended or precarious intercourse with Europe, we are informed that these bills were disposed of at a considerable profit to the holders.

The exchangeable value of the paper rixdollar, at the period of the capitulation, may therefore be considered to have been much depreciated. The enlargement of the commercial relations of the colony consequent upon the capture by the British arms, and the increase of all its transactions occasioned by the expenditure of a large military and naval force paid by Great Britain, and the demand for colonial produce, occasioned a sudden alteration in the exchange value of the paper currency, by reason of the facilities in effecting remittances ; and by a proclamation published by General Baird on 23rd January 1806, a few days after the capitulation, the values of several coins then in circulation were fixed in the current denominations, without reference to the rate of exchange at which the colonial paper had circulated. In June of the same year a further proclamation was published, sanctioning the issue of Dutch silver guilders, which were declared to be exchangeable with the paper currency at the rate of two guilders for each paper rixdollar. The prohibitions that were at the same time enforced against the exportation of specie which was employed in payment of the troops, would indicate that the par was merely nominal, although the discount upon the paper currency had considerably diminished subsequently to the capitulation, and for the reasons that we have already explained.

In 1806 a further sum of Rds. 80,000 was created and issued by Sir David Baird, as a fund for the purchase of grain ; and in 1810 a sum of Rds. 500,000 was created, and added to the capital of the Lombard Bank, to be lent upon mortgage of private property. In the years 1812, 1813, and 1814, a further sum of Rds. 500,000 was created, and issued by instalments, to aid the execution of certain public works. This sum was

issued upon the credit of the government, and with a declaration that it should eventually be withdrawn from circulation. In a proclamation of Sir John Cradock, published in 1814, the first instalment of 15,000 Rds. repaid was accordingly ordered to be destroyed ; and to hasten the extinction of the fund, the interest accruing upon the former sum of Rds. 500,000, added to the capital of the Lombard Bank, was directed to be further appropriated. The interest of 6 per cent per annum taken upon the loans of paper from the bank, being usually applied by the government as part of the public revenue.

The effect of these issues first attracted the attention of the Government during the administration of Sir John Cradock ; and the report of the committee that was appointed to investigate the subject, led to the communication of your Lordship's opinion, that the paper in circulation was redundant, and tended to depreciate its value in exchange. The Government was then instructed to reduce the quantity, and to make quarterly reports to your Lordship, of the amount of paper destroyed.

The establishment of a discount bank, in the year 1808, tended to give greater activity to the circulation of the paper ; but the effect was in some degree counteracted by the payment of interest at 4 per cent upon sums deposited in the bank for a year ; and as the military disbursements continued to afford large facilities to commercial remittance, the depreciation of the paper, though progressive, was not considerable in the first years of the British administration. In five years, from 1806 to 1810, the average exchange value of the paper rix-dollar was about 3s. 6*d.* sterling ; and in five years, from 1811 to 1815, it averaged 2s. 6*d.*

The reduction of the military and naval expenditure, consequent upon the restoration of peace, led to a further depreciation in subsequent years, to which the measures of the Colonial Government may be considered to have further tended.

One of the earliest measures of Lord Charles Somerset's administration was, to discontinue the payment of interest upon the annual deposits of paper money with the discount bank ; and as the transactions of that bank were increased rather than diminished in subsequent years, the paper currency

was forced into active circulation, and further depreciated in exchange. In five years, from 1816 to 1820, the average value in exchange was 1*s.* 10*d.* ; and from 1821 to 1825, the average may be stated at 1*s.* 6*d.* sterling.

The entire neglect of your Lordship's instructions in 1814, for the destruction of the paper currency created for the execution of public works, the re-issue of that paper on subsequent occasions, and the employment in the shape of revenue, of the whole of the interest of the loans from the Lombard Bank, of the interest taken upon the fund for public works, and of the profits derived from the discount bank, must be considered to have tended, in a primary degree, to the depreciation of the currency ; and the long continuance of the evil, as affecting the interest of the colony, has rendered it impossible to avoid the inconvenience that would have resulted from any measure for the settlement of the currency upon sound principles.

The fluctuating value of the currency in exchange previous to the capitulation of 1806 was not subsequently adverted to, as the sudden rise in its value at that period was productive of gain to individuals ; but subsequently to that period progressive losses have been sustained, and which have fallen upon the colonists, while the merchants alone have had the means of compensating themselves. The enhancement of the currency prices of all imported articles has subjected the consumers to proportionate expenses ; and as paper was the only medium of circulation, the effect has extended (however imperceptibly to the great body of the colonists) in enhancing this currency price of articles the produce of the colony.

Had the measures directed by your Lordship in the year 1814 been duly effected, and restrictions imposed by the colonial government upon the issues of the bank, the paper currency would have regained its value in exchange at a time when these effects had been but partially produced, and when many of the parties who had sustained loss might still have been indemnified ; but the circumstances of the colony have so considerably changed, that to have abruptly enforced, at the present moment, the payment of currency debts, by proclaiming the rate of 4*s.* as the nominal par of the paper rix-dollar, would have brought ruin upon many individuals who

had borrowed at successive periods when the paper had become depreciated, and who had paid interest on the amount of their debts of not less than £6 per cent. per annum, and in many instances more, according to the security they could offer. It is admitted by Lord Caledon, in his report upon the loan bank in 1808, that the accommodation it afforded had enabled individuals to lend at usurious rates to others who could not afford the security required by the bank.

As the average exchange has not materially varied in the last five years from the rate at which it has been lately fixed by His Majesty's Government, it is to be concluded that the paper in circulation has passed into the hands of the present holders at that average value ; and that even had not 1s. 6d. sterling been declared a legal tender for the paper rixdollar, there is every reason to conclude that the means afforded, of remittance through the commissariat, would have led to its absorption nearly at the same rate. As all fluctuations in its current value could not fail to be injurious to the community, the public may be expected to be largely benefited by the certainty that will henceforth be given to all commercial transactions.

The paper currency being in itself unproductive, and at the same time redundant, we do not suppose that it has in any instances been hoarded, or that it has remained in the hands of those who could derive a present profit from disbursing or lending it. Indeed the encouragement that had been given to its circulation by the operation of the banks, had tended to produce an extended system of credit, and the creation of debts and obligations to an amount that at present constitutes a heavy and general charge upon the colonial property.

It has been found difficult to arrive at a correct knowledge of the amount of the mortgages and obligations for which real and personal security have thus been given ; but from the records of the colonial office, where mortgages are registered, it has been generally estimated that the amount of the uncanceled mortgages in 1823, was Rds. 17,353,407, and of outstanding bonds Rds. 9,365,677 ; and although some of these obligations have been contracted in specific terms, and the amount of bonds made payable in rixdollars at 48 stivers Dutch currency, the greater number contain no more specific

engagement than the current rixdollar and guilder,—a medium that had constantly fluctuated in exchange, and that had progressively depreciated in 20 years from its nominal par to 62½, and at one time to 70 per cent discount.

The system of credit to which we have adverted, and which has been encouraged by the accommodation afforded by the bank, has led to great irregularity in the repayment of debts, and we do not doubt that a considerable part of those which are still due, have been contracted at periods when the paper had not attained its present depreciation in exchange. The equitable claim of the parties could only extend to repayment according to the value of the currency at the time when the loan was negotiated, and the successive rates of exchange may be generally stated according to the averages of five years that we have already quoted for the period that has elapsed since the capitulation. The claim of the government to repayment of the debts due to it at these rates, is abandoned by the publication of the late Ordinance, and which has also determined the sterling rate at which the land rents are in future to be taken.

We conceive that His Majesty's government has in these respects made a large concession in favour of the colony, and has relieved the parties that are indebted to it, from the consequences of an enforcement of the public claim at a higher rate of exchange ; but we have at the same time deemed it our duty to bring under the consideration of your Lordship the nature of the obligation subsisting between individuals, and the manner in which they may be affected by the late Ordinance.

We are bound also to notice, that the failure of the colonial government to carry into effect your Lordship's instructions for the reduction of the amount of paper in circulation has not been unattended with profit to the government, as well as to the public servants, who have been paid in sterling at the current rates of exchange ; while it has been proportionally injurious to the greater number of the public functionaries, who have been paid in a fixed amount of depreciated currency.

The profits derived by the colonial government through the medium of the banks have been considerable ; and on this subject we must remark, that interest has been taken upon

the sums advanced for the execution of public works in the districts contrary to the original intention, as declared when those advances were made ; nor have the sums thus received on account of interest, been applied to the extinction of the paper which was pledged to be withdrawn from circulation, but have been applied in aid of the revenues of the colonial government.

It cannot be denied, however, that several of the districts of the colony, as well as Cape Town itself, have profited, in a greater or less degree, by the erection of buildings, and the execution of public works, which the inhabitants, without such aid, could not have afforded.

The destruction of paper money, in fulfilment of the obligations of the government, has been confined to the instalments repaid by the district of Stellenbosch, for a sum of Rds. 75,000, advanced by the Batavian government in 1804, to Rds. 15,000 being the first instalment repaid of the fund created in 1812 for public works ; and to Rds. 100,000 that had been created in 1815 for the purchase of grain. To these may be added the destruction of a sum of Rds. 200,000, created in 1822, for the relief of the agriculturists.

The punctuality that has been observed in discharging the obligation of the Batavian government by the destruction of the several instalments of the loan to Stellenbosch (and which has been continued since the publication of the Ordinance,) is contrasted with the neglect of the obligations of the British colonial government in respect to the largest portion of its own issues.

In consequence of the demand of interest from the districts, for sums applied to the erection of churches and civil buildings, the greater part of those debts are unextinguished ; and, according to the statement enclosed, your Lordship will observe the amount that has been repaid by the districts, as well on account of principal as of interest. These debts have borne heavily upon the inhabitants of the country ; and it may be remarked that those of Cape Town have been relieved from the payment of interest upon advances from the same fund, for the purpose of laying water pipes, although these works have contributed as much to their accommodation as the erection of churches and drostdies can be considered to

have done to the inhabitants of the districts. We are therefore induced to recommend to your Lordship that the sums payable by the districts on account of interest upon those advances, may be remitted by the colonial government, and the interest already paid carried to account of the principal redeemed; and that a fund may be created, to which all future repayment of principal will be added, and to be applied to the execution of those public works which may be required to complete the establishments of the colony, and to restore those buildings which have been destroyed or injured, owing to the defective manner of their execution.

We shall direct our early attention to the consideration of the circumstances of those individuals of the public service who have hitherto been paid in depreciated currency; and being aware that no class of the community has suffered in so great a degree from the effects of depreciation, and from the operation of the ordinance fixing the rixdollar at 1*s.* 6*d.* sterling, we are of opinion that they possess the strongest claim to the liberal consideration of the government; and we shall be prepared to recommend an increase to their salaries in all instances where the office may be continued on the same footing.

From the observations we have made upon the origin and progress of the colonial debt, your Lordship will not be surprised to find that it was in our contemplation to have recommended as a preliminary measure, the punctual fulfilment of the pledges successively made by the colonial government for the redemption of those portions of the paper currency that were issued for the execution of public works, and in support of which your Lordship had given distinct and positive instructions.

This object might have been advantageously effected by a permission given to the local government to draw upon His Majesty's Treasury at the current rate of exchange, and the transmission of specie for payment of the troops would have facilitated the extinction of the smaller denominations of colonial currency. The reduction of the paper currency to this extent would have made a partial alteration of the value of the rixdollar in exchange, at which rate the remainder of the debt might then have been redeemed, and the British

currency have been issued and declared a legal tender. We are aware that in the operations of this measure an increased burden would have been imposed on the numerous individuals who are debtors, and some gains would have accrued to those who had not sustained the loss, an inconvenience which has been entirely avoided by the operation of the late ordinance ; but viewing it as a consequence resulting from the discharge of an obligation contracted by the government, we should not have felt ourselves justified in overlooking the nature of the pledge to the public, the orders that had been given by your Lordship, nor the circumstances under which the funds had been applied by the colonial government ; and we should have proposed to meet the inconvenience of disturbing the exchange value of the currency, by a gradual negotiation of bills upon His Majesty's Treasury, to the extent required for the absorption of such portions of the paper.

Considering the conduct and transactions of the Batavian government, and the nature of the obligation contracted by the terms of the capitulation, we are not of opinion that it would have been incumbent on the British government to have redeemed that debt at the rate of four shillings sterling the rixdollar. The fluctuating value of the Cape rixdollar antecedent to the capitulation, the absence of all pledge for its redemption at any specific rate, the failure even of the Batavian government to redeem those portions of the debt for which the British government had fully accounted to them in 1803, the sale of part of the lands and buildings which at that time constituted a security to the public for the debt, and the application to military and hostile purposes of sums created for the erection of public buildings in 1804 (some of which have still to be erected at the expense of the government) are all circumstances that may be stated in support of our conclusion, that the obligation of the British government would have been amply fulfilled by the redemption of the original debt at the current rate of exchange, after the destruction of such portions of the currency as had been created and applied to public purposes subsequently to the capitulation of 1806. We are equally convinced that to have redeemed it at a higher rate, after the paper had reached so great a depreciation, would have been productive of great distress to the

community at large, and even of injustice to a large majority of individuals who have been relieved by the operation of the late ordinance.

In bringing under the consideration of your Lordship the facts and observations we have thus detailed, we have had principally in view to afford such explanations as are required to meet the objections and remonstrances that may be expected to be urged to your Lordship, and eventually to Parliament, against the recent measure.

At a public meeting that was held shortly after the publication of the ordinance making British silver money a legal tender for Cape currency, at the rate of 1s. 6d. per rixdollar, in payment of all debts, a general impression appeared to prevail that the British government had been pledged to redeem the paper at 4s. sterling per rixdollar; and a committee was appointed to draw up an address to the King in Council, setting forth the claim of the colonists to repayment at this rate. This impression had been long entertained by the principal capitalists of the colony, who are chiefly resident in Cape Town; and we believe that it has latterly been strengthened by the opinions that have been attributed to Lieut. Col. Bird, the late colonial secretary, and which he took an opportunity of bringing to our notice in answer to some interrogatories that we had addressed to him. These answers, as embodying what we believe may be taken as the general feeling of the more opulent classes, we have thought it right to transmit with this despatch; and your Lordship will find that the British government has been held to be publicly pledged to the redemption of the whole of the paper currency debt as it existed at the period of the surrender of the colony in 1806, as well as to that of all subsequent augmentations to it, at the rate of four shillings per rixdollar—an opinion that has been strongly maintained by Lieut. Col. Bird, although he has protested against being held responsible for the inaccuracy of his statements and opinions, having no means of official reference, and having transmitted his own papers to England.

At a subsequent meeting, the opinion of the inhabitants appears to have undergone a material change, and a compromise was proposed between the parties, who were variously

interested, which led to the adoption of a modified resolution, and to the appointment of a committee for preparing an address to His Majesty, which should be limited to the object of obtaining repayment of the debt at a medium rate of conversion ; and from the opinions that seemed to prevail at this meeting, it may be inferred that the redemption of the rix-dollar at two shillings sterling would have been generally satisfactory to the persons who had been most active in promoting the objects of the public meeting. We cannot but consider such a compromise to imply the abandonment of all claim to the redemption of the rixdollar at four shillings sterling, and a virtual recognition of the right of the British government to fix it as such reduced rate as would be just to the public, and least injurious to the majority of individuals interested in the question. In detailing to your Lordship the origin and progress of the debt, we have been anxious to bring forward such particulars relative to the circumstances of this community, as would enable His Majesty's government to anticipate and provide for any complaints or proposals that might be urged by those who consider themselves affected by a measure which has been productive of benefit to the public at large.

It is not probable that we shall have an opportunity of perusing the address of the inhabitants, previous to the transmission of this despatch ; but we apprehend that it may also be urged that the government lands and buildings were pledged as a security for that part of the debt which was not secured upon private mortgage. As the property in question may have improved in value with the progress of the colony, we should recommend to your Lordship, that it be carefully appraised by a competent board, and that if it should be found to exceed in value the amount that would indemnify the British government for the extinction of the portion of the debt for which it was pledged as a security by the capitulation of 1806, we should recommend that such surplus, if raised upon the sale of land or buildings not required for public purposes, may be applied to the execution of public works for the improvement of the colony. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

P. S. 5 July 1825.

After concluding our letter, a deputation of three gentlemen waited upon us on behalf of the committee appointed to prepare a memorial to the King, and presented to us a copy of their preliminary address to His Majesty, praying that the operation of the late Ordinance might be suspended until the committee should be enabled to forward a memorial setting forth the grounds of objection entertained by the inhabitants against the measure of declaring British currency a legal tender at the rate of 1s. 6*d.* per rixdollar.

As the same committee had been nominated at both the public meetings that had been held, and were appointed to prepare an address upon the latest resolution that had been adopted, we have felt ourselves justified in considering that a compromise had taken place ; and we have been further confirmed in this impression, from observing the difference that prevailed in the opinions of the gentlemen who composed the deputation.

We think it necessary, at the same time, to call your Lordship's attention to a Government advertisement that was issued on the 28th ult. announcing that British silver money, received as a legal tender in payment of debts, would be exchanged for paper money in notes of Rds. 100 and upwards.

Although we do not think that this measure will positively counteract the substitution of British currency for the colonial paper money contemplated by the orders of His Majesty's Government, yet we think that it will tend to impress the minds of many of the Dutch inhabitants with a belief that His Majesty's Government may be induced by their representations to fix the exchangeable value of the paper rixdollar at a higher rate than that which has lately been declared.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

*Letter from MR. JACOBUS THERON to R. W. HORTON, ESQRE.*No. 14 COLLEGE STREET WEST,
CAMDEN TOWN, 5 July 1825.

SIR,—I have to acknowledge the receipt of your communication respecting my case and should have waited on you immediately had I been in England : I am now just returned from Holland, and have applied at Downing Street three several times for the purpose of obtaining an interview either with Earl Bathurst or yourself but without effecting my wish : when I called there the last time I was referred to Mr. Bayley as having a knowledge of my case, but on application to that gentleman it appear'd he was not at all acquainted with it ; may I therefore request you will so far favor me by naming an hour on an early day when I may have an audience of you, as a recent death calls for my immediate presence in Holland to arrange some family affairs, which will oblige &c.

(Signed) JACOBUS THERON.

[Copy.]

HANSARD'S *Parliamentary Debates.*

5 July 1825.

Conduct of Lord Charles Somerset at the Cape of Good Hope—Petition of Mr. Bishop Burnett.

Mr. Brougham presented the following petition from Mr. Bishop Burnett, of the Cape of Good Hope. The contents of the petition were as follows :—

“That your petitioner having presented sundry grievances to your honourable House, inculcating the conduct of his excellency the governor of the Cape of Good Hope, and that his excellency's return to this country to repel your petitioner's charges at the next session of parliament appearing to be the probable consequences of the discussion thereon, your petitioner humbly submits to your honourable House, that he

should, in justice, be permitted to avail himself of the interval in collecting his evidence at the Cape for substantiating the accusations he has advanced.

“Your petitioner, well aware that in promoting this inquiry, he is opposing himself to the concentrated force of a gigantic power, has no security but in the justice and sympathy of your honourable House ; and as he has no hesitation in declaring, that with the collection of his evidence, thus facilitated, he can not only prove the charges already adduced, but others also of equal magnitude, he trusts that your honourable House in its paramount disposition to further the first end of its high calling, will perceive the necessity of allowing your petitioner, the accuser, to approach the bar of your honourable House upon equal terms with lord Charles Somerset, the accused.

“Your petitioner begs further to present, that as the unwarrantable violence of his deportation from the Cape was a virtual inhibition to the security of evidence of any kind, even to the proof of his banishment, your honourable House will not permit your petitioner to appear before it disqualified by injustice to bring home charges of oppression and persecution.

“Your petitioner’s private affairs—if he may presume to offer so inconsequential a motive for consideration to your honourable House—imperatively demand his presence at the Cape, appellant, as he is, in nine causes before the full Court of Justice, each involving very important issues to himself and his brother colonists, and the fiat of his competence or beggary hanging upon their decision.

“Your petitioner respectfully adds, that he should have manifested less zeal in vindication of his violated rights as a British subject, as a man, and as a gentleman, but for an impeachment of his veracity, and a direct charge of conspiracy brought against him by the under secretary of state for the Colonial department. Your petitioner is from hence solemnly determined to prove his charges to the world, even should his excellency lord Charles Somerset not avail himself of the permission to return, granted by his majesty’s government, contrary to a most affronting implication of earl Bathurst, that your petitioner’s importunity to the colonial department resulted from his apprehension of strict investigation into his complaints.

“ Your petitioner therefore prays, that your honourable House will, with reference to the premises, adopt such measures for his immediate return to the Cape of Good Hope as the magnitude of the occasion implies, and the wisdom of your honourable House may deem proper ; and your petitioner will ever pray.

(Signed) B. BURNETT.”

Mr. *Hume* observed, that this petition contained grave charges, and he wished to know whether there would be any facilities afforded by government to the petitioner to return to the Cape, for the purpose of collecting evidence to substantiate them ?

Mr. *Canning* was at a loss to conceive upon what ground government could be called upon to assist, with money every person who chose to prefer complaints against public functionaries in that House.

Mr. *Hume* said, that the right honourable gentleman misunderstood his object. Mr. Burnett had been banished from the Cape by lord Charles Somerset ; and it was necessary that he should return to obtain evidence in support of his petition. Would he be permitted to do so ?

Mr. *Wilmot Horton* said, it was not at all essential to the case of this petitioner that he should go to the Cape for evidence. At least, hitherto it had not been shown that such evidence was necessary. When it had, then would be the time for entertaining the question of permitting him to return. Every statement which he had hitherto made, had turned out to be unfounded.

Ordered to lie on the table.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 6 July 1825.

MY LORD,—I have the honour to state to your Lordship, that upon the receipt of your Lordship’s dispatch of the 6th March last, No. 155, relative to the issue of British metallic

currency in this colony, the necessary measures were adopted to carry the same into execution, by the publication of the Ordinance in Council herewith enclosed.

I do myself the honor to transmit to your Lordship a copy of the proceedings in Council on this subject, which have occurred since the promulgation of the Ordinance in Council (above alluded to) on the 6th ultimo. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

See page 476 of preceding volume.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 6 July 1825.

MY LORD,—At a late hour yesterday the accompanying Petition, addressed to His Majesty by a Committee representing the Freeholders and Inhabitants of this Place, was presented to me, requesting that I would transmit it to your Lordship by a Vessel (the *Britannia*) destined to sail at Daylight tomorrow. Under any circumstances the suddenness of this call would prevent my furnishing Your Lordship with all the Information which bears upon this subject, which I feel it will be my duty to lay before you, but I have been compelled, unavoidably, to postpone preparing it until I shall receive the Memorial which the Committee state it is the Intention of the Inhabitants to submit to be laid at His Majesty's Feet, as it might be expected that I should touch upon all the points to which their Memorial may allude.

Under another cover I have the Honor to transmit to Your Lordship the proceedings in Council upon this subject, which detail all the measures adopted by the Government since the publication of the Ordinance of the 6th Ultimo.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 6th July 1825.

MY LORD,—With reference to my despatch No. 160 of the 31st of March last, in which I acquainted Your Lordship that I had granted Extensions of Land to most of the principal Settlers in Albany, I now do myself the honor to transmit to You, copy of the Decisions which I made on the several Petitions for Land which had been referred to Mr. Hayward, the Special Commissioner, for His Report.

I am induced to forward this Document to Your Lordship, with a view that reference may be had to it, in case of Representations being made to your Office by Individuals who may think Themselves aggrieved; although I am happy to say that with one or two solitary Exceptions, where the Land applied for by the Individuals was not disposeable, and who have since made applications for other grants, which are in the course of Investigation, I have as yet heard of no complaints whatsoever.

I have further deemed it necessary conceiving it to have been the Intention of His Majesty's Government, to order the Surveys of the several Extensions of Land thus granted to the Settlers, to be made at the expence of the Colonial Government, as was the case with the original grants.

It will however entail a heavy expence upon the Colony.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Decision of HIS EXCELLENCY THE GOVERNOR on the Claims of the Undermentioned Persons.

Claimant's Name : S. Bradshaw and Party. Decision : An extension of Land to be made to this Party to the N.E. of their Location, to be defined by the District Surveyor, leaving

Donkin Mount to the Eastward, as far as the most northerly Road in the Map.

N.B. Donkin Mount must be reserved for Government, and a reservation must also be made for a Road thro' Bradshaw's Grant to the Mount.

Claimant's Name : . Captain Butler. Decision : An Extension of Land to be made to Capt. Butler ; the intermediate Land between him and Mr. Latham to be divided equally between them, taking care however not to go Eastward, so as to interfere with Mr. Gardner. The Boundaries to be defined by the District Surveyor.

Claimant's Name : The late Wm. Clarke and Party. Decision: The Government cannot grant any extension North of this Location, as it would interfere with the System of defence of the Frontier. His Excellency will however grant a small Extension to this Party Eastward, to be defined by the District Surveyor, of about 500 Acres. And an extension westward of the Portion of Land left after measuring Mr. Dietz's Grant, will also be given to Mr. Richard White, acting Head of the Party, for himself ; on condition, that neither he nor his Son shall have any right on the extension of 500 acres granted above to the Party. The diagrams of the Locations to be made out separately for each of the Party. The Extension Eastward to be for the use and in the name of those of the Party having a right to it. Mr. Harvey to be entitled to the Location of the late Wm. Clarke, on becoming responsible for the Government Debt for rations and the private debts upon the Estate.

Claimant's Name : The late Geo. Scott and Party. Decision : Land being absolutely requisite for the use of the Kaffir Drift Post, it must be resumed by Government. A compensation of Rds. 300 will be made to the widow of Geo. Scott for the period of her residency.

Claimant's Name : Wm. Cock and Party. Decision : The Title deed to this Location is to be made out in the name of Wm. Beale in consequence of Cock having abandoned it.

Claimant's Name : Messrs. Crause and Party. Decision : The Title to this Location is to be made out in the name of James Moorcroft, the Messrs. Crause having resigned all rights thereto, in consequence of being otherwise provided for.

Claimant's Name : Liversage and Party. Decision : As Mr. Stanley does not acquiesce in Mr. Hayward's proposal of resigning his Location in favor of this Party, receiving an Equivalent elsewhere, His Excellency has no means of granting an Extension of Land to the Party. Mr. Wilkenson's allotment must be put up to public Sale forthwith, burthened with the Commissariat Debt upon it, viz. Rds. 668 3 3, and the prior claim of Government for this debt must be notified at the Sale. Manley and Ford (of this Party) are to have Separate Grants of the Land outside the Location which they have occupied, not exceeding 500 acres each. The Boundaries to be defined by the District Surveyor.

Claimant's Name : J. Stanley. Decision : The Land for which Mr. Stanley has requested a Grant, has been already disposed of ; and as he does not choose to resign his present Location for an Equivalent elsewhere, His Excellency cannot do anything in regard to his request.

Claimant's Name : Wm. Howard and Party. Decision : In the present State and temper of this Party, as reported to Government by Mr. Hayward, His Excellency cannot acquiesce in any of their conflicting Requests.

Claimant's Name : Wm. Smith. Decision : His Excellency the Governor cannot accede to the request of Mr. Smith, as the Land prayed for by him has otherwise been disposed of to Persons who have a preferable Claim.

Claimant's Name : Gardner and Party. Decision : His Excellency the Governor has authorized an extension of Land to be made to this Party of 1000 Acres south of the Location. Also an Extension Eastward, dividing with Hills the land between the two Parties. The Boundary to be defined by the District Surveyor.

Claimant's Name : Menzies and Party. Decision : The portion of Land on the Kareka River now occupied by Bowles and Sweetman to be added to this Location. Mrs. Patrick, late wife of Menzies, is to be entitled to her share of the original Location. The Title Deeds of the whole to be made out in the name of Sweetman.

Claimant's Name : Parkins and Benjamin Leach. Decision : An extension of 600 Acres of Land towards the Brak River to be made to this Location, and the Title deed to be made out in

favor of B. Leach. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Wm. Scanlen and Party. Decision : An Extension of Land to be made to this Location Eastward to the Kap River and to be bounded by the small Stream laid down in the map westward, as will be defined by the District Surveyor.

Claimant's Name : Hyman and Party. Decision : An Extension of 400 or 500 Acres of Land to be made to this Party to the Southward of their Location. The Boundary to be defined by the District Surveyor.

Claimant's Name : Charles Hills. Decision : His Excellency the Governor has been pleased to authorize an extension of Land to be granted to Mr. Hills, north of his Location, as far as Jan Keuler's farm. The Boundary to be defined by the Surveyor.

Claimant's Name : Thos. Willson and Party. Decision : The settled interests of this party are not to be disturbed by readmitting such as have absented themselves from the Location. Should any individual claims for readmission be favourably received, an Equivalent will be given elsewhere. Messrs. Currie and George Dyason's requests for an extension of Land S.W. of the Location to be acceded to. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Mr. Austin. Decision : The land applied for having already been disposed of, His Excellency the Governor cannot comply with Mr. Austin's request.

Claimant's Name : R. and S. Daniell and Thoms. Handfield. Decision : The Grant of 500 acres formerly promised to Lieut. Daniell to be confirmed, with the view of his making it over to S. Daniell, in lieu of a portion of arable Land on the Location, as arranged with the Special Commissioner. Lieut. Daniell is also to have an Extension of Land round his Location to an extent to be defined by the District Surveyor, but not to interfere with the just claims of Mr. Welgemoed.

Claimant's Name : Geo. Smith and Party. Decision : In consequence of the precarious state of health of Mr. Smith, the Title deeds to this Location are to be made out to John Buckley without disturbing the Party. The Government cannot interfere in the claim of John Buckley for Land in right of a servant

named T. Rigby. If he thinks himself aggrieved he must take legal steps for seeking redress.

Claimant's Name : Hayhurst and Subdivision. Decision : His Excellency the Governor will have no objection to grant to Mr. Hayhurst and his subdivision the 700 acres annexed to the Diagram of the Nottingham Party (provided that Party will cede it in lieu of the portion of Captain Trappes' farm offered to them) and also a further small addition Eastward of Hayhurst's Location, comprising about 300 Acres. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Mr. Griffith's subdivision. Decision : The Title deed of this subdivision to be granted to David Cawood. An extension of Land to be made to this Subdivision towards the Kap River, to be defined by the District Surveyor, but no Land can be granted westward.

Claimant's Name : James Murray's Subdivision. Decision : A Grant of Land to be made to Murray, including the site upon which his House has been built, and his Tillage. The round Hill must be reserved to Government, and a right of Road to it thro' all the surrounding Locations must also be reserved. The Boundaries to be defined by the District Surveyor, and if any doubts arise as to the extent of Murray's Grant, reference must be made to Mr. Hayward on the subject.

Claimant's Name : Geo. Watson's Subdivision. Decision : The Titledeeds of this Subdivision to be granted separately to Watson, and those of Cawood's and Murray's to be made out also in their names, and Mr. Hayhurst also will have the Title deed of his Subdivision separately from the rest, on the Heads of these Subdivisions signing their acknowledgements of the Rations Account, and making the amount chargeable on their respective Estates.

Claimant's Name : Nottingham Party. Decision : His Excellency the Governor has taken into consideration the request of the Nottingham Party that their Lands should be taken out of the hands of the Trustees in England, and that the Title deeds thereto should be made out in the name of whoever may be appointed Head of the Party in this Colony, and He will recommend their application to the favourable consideration of Earl Bathurst, and request His Lordship to interfere on the occasion. His Excellency the Governor has further been

pleased to grant to the Nottingham Party the Farm adjoining their location, formerly the property of Captain Trappes, and which that Officer has resigned to Government, with the reservation however of 500 Acres around the residence of Isaac Deadman, Capt'n. Trappes' Steward, and including the Limekilns, which have been granted to him as a remuneration for his expenses and labour on the Farm. The Nottingham Party must on the other hand resign 700 Acres of Land annexed to the diagram of their Location, to Hayhurst and his Subdivision. The Boundaries of the whole will be defined by the District Surveyor.

Claimant's Name : Thos. Rowles and Party. Decision : His Excellency decrees that the Titledeed of this Location be made out in the name of Francis Blackbeard, as Mr. Rowles has abandoned his Party.

Claimant's Name : Wainwright and Party. Decision : His Excellency the Governor has authorized an Extension of between 3 and 400 Acres of Land to be made to this Party, to run as far as the larger Ravine (but no farther) forming the main head water of the western Kleine Mond. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Major Pigot. Decision : The request of Major Pigot for the grant of Gorah and the Prinslo Farm cannot be complied with, these Lands being reserved for Government. Major Pigot's request for a reduction of Rent on his Quit Rent Land near the Kowie cannot be acceded to, but as he has expressed a wish in that case to be permitted to resign the Land in question, the necessary measures will be taken for cancelling the grant thereof according to his desire.

Claimant's name : J. Bailie and Party. Decision : His Excellency the Governor does not choose to interfere in settling the rights of this party to, or their private agreements on, the Location. The Portion of Land No. 10, now No. 1, is to merge into the Location generally, and when the Parties have settled and arranged the respective shares to which they are entitled, separate Diagrams will be made out for each. Mr. Chase is to be confirmed in the grant of 500 acres between the two Kleine Monden Rivers, commencing at the Sea, and the remaining part of the Peninsula is to be divided into 4 shares, 3 of which are to be granted as an Extension to Mr.

Bailie, and the 4th, adjoining the 500 Acres above mentioned, to be granted to Mr. Chase. His Excellency has been pleased to give to Mr. Bovey, in lieu of all claims on Mr. Bailie's Location, a grant of Land of about 3000 Acres on the Kasouga River. His Excellency has also been pleased to grant an Extension of Land north of Mr. Bailie's location to Mr. T. P. Adams and Devine, to extend as far as the Kap River, reserving however a small extension, if possible, for Moorcroft of Crause's party. The District Surveyor will make out the necessary Boundaries in the mode pointed out to him by His Excellency the Governor, but it is to be clearly understood that the right Bank of the Great Fish River and the Land near the junction of the Kap and Fish Rivers are to be resumed to Government, according to a line to be drawn by the District Surveyor. The Land applied for by Mr. Hewson having been disposed of as above, His Excellency cannot comply with this request.

Claimant's Name : John Shaw, Geo. Clayton, and Wm. Clayton. Decision : It is not the intention of Government to dispose of the Lands prayed for by these Memorialists, as they are too much exposed to the Inroads of the Kaffers.

Claimant's Name : Dirk van Rooyen. Decision : His Excellency the Governor has been pleased to authorize the Grant of a portion of Land in the neighbourhood of Hermanus Kraal to Mr. Dk. van Rooyen, and the District Surveyor will be directed to measure the same according to the Boundary Line which will be marked out by the Commandant of the Frontier, so that this grant may not encroach upon the pasture required for the Horses of the Cape Corps.

Claimant's Name : J. Biddulph, D. Cawood, J. Mandy and J. Wainwright. Decision : His Excellency has been pleased to grant to D. Cawood a small portion of Land on the Kap River, not exceeding 1000 Acres, on the sole condition that he establishes and keeps up a Fishery there. The Boundaries to be defined by the district Surveyor.

Claimant's Name : John Mandy. Decision : The Land prayed for having been disposed of to others, who appeared to have preferable claims, His Excellency cannot comply with Mr. Mandy's request.

Claimant's Name : Ths. Owen and Party. Decision : His

Excellency considers that Mr. Ths. Owen has forfeited all rights, having abandoned the Location, and he therefore has ordered the Titled deed to be made out in the name of Mr. W. S. Owen for himself and the party, on his signing the Commissary's account for Rations.

Claimant's Name : James and Party. Decision : His Excellency the Governor regrets that no beneficial Extension of Land can be made to this deserving Party, except in the case of Major Jones being induced to give up his grant of Land. All therefore that His Excellency can do for them is to write to Earl Bathurst to request His Lordship to treat with Major Jones on the subject, and this His Excellency will do without delay.

Claimant's Name : Geo. Dyason and Party, Mr. Isaac Dyason, Mr. Currie, and Mr. S. Bennett. Decision : The claims of Mr. Geo. Dyason and Mr. W. Currie have already been decided on. His Excellency regrets He cannot accede to Mr. Isaac Dyason's request, as He cannot allow the Township of Bathurst to be diminished further than has already been done. Mr. S. Bennett to be allowed 50 Acres of Bathurst's Township, to be pointed out by the district Surveyor in a small nook which will not injure the Township.

Claimant's Name : Joseph Latham and Party. Decision : His Excellency the Governor will have no objection to authorize an extension of Land to this party in the direction of Joel Smith's farm, provided it does not interfere with the Land formerly allotted to Mr. White. This will be decided on by the district Surveyor, when he surveys Mr. White's grant.

Claimant's Name : Mr. Latham. Decision : His Excellency has been pleased to make an extension to Mr. Latham, by dividing the vacant Land near Assegai Bush between him and Captain Butler. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Mrs. Sparks. Decision : Mrs. Sparks' Request for the Land near Assegai Bush cannot be complied with, but His Excellency will be happy to grant to her an equivalent in Land north of Sephton's, or the Salem Party. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Morton and Wilkinson and Party, Mr. Turvey, and Mr. P. C. Daniell. Decision : The diagrams and

Titled deeds of this Party are to be made out separately to the respective Shareholders. His Excellency the Governor will grant to Mr. Turvey a half Erf at Graham's Town, on condition that he cedes to Mr. P. C. Daniell the half of the Lot they now have together. Mr. Wilkinson's Lot is to be put up to public Sale, burthened with the debt to Government for Rations of Rds. 668 3 3, and notice to be given at the Sale of the prior claim of Government.

Claimant's Name : Holder and Party, Decision : The only means His Excellency the Governor has of extending the Land of this Party is to grant them that portion of Mr. Phillips' Land which runs into theirs, provided Mr. Phillips be inclined to give it up and receive an equivalent of about 500 Acres of Land on the Kap River, an arrangement which His Excellency understands was proposed by Mr. Phillips to Mr. Hayward.

Claimant's Name : Osler and Party, James Weeks. Decision : His Excellency will authorize the readmission of B. Osler (the Son) on the Location, provided he returns with efficient means in the course of six months from this date ; otherwise he is to be rejected from all rights upon the Location. The Governor is pleased to grant the Land lying west of the Location towards Mansfield River, to the Extent of 450 Acres, to James Weeks. The Boundaries to be defined by the district Surveyor.

The several claimants for Land North of the Kowie Township are informed that His Excellency the Governor does not wish to dispose of the Land in that neighbourhood, except in small Lots and for special purposes, and a large Outspan Place will be reserved by Government.

Claimant's Name : Mr. Wm. Holder. Decision : His Excellency the Governor will authorize the grant of 40 Acres of Land north of the Kowie Township to Mr. W. Holder, on condition that he erect a corn mill thereon. This Grant to be forfeited unless the mill be erected within twelve months from this date. The Boundaries to be defined by the district Surveyor.

Claimant's Name : H. Sephton or Salem Party. Decision : His Excellency the Governor has been pleased to authorize a grant of Land to be made to this party, of that part of the Rietfontein lying north of Lynch's Post (and including the

three Springs) to the Extent of 3,000 Acres. The Boundaries to be defined by the District Surveyor according to Instructions given to him by Government. The claim to this Land having been strongly urged by this party, in opposition to other interests and claimants, on the plea of their intention to build a village thereon, it is to be clearly understood, and it will be inserted in the grant, that the Land is to be resumed by Government if the party do not establish a village thereon according to the pledge made in their Memorial this day received, in the course of three years from the present time.

Claimant's Name : Mr. H. Sephton. Decision : His Excellency has been pleased to grant to Mr. Sephton an Extent of Land of about 4000 Acres on Matjeskraal. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Mr. Wm. Trotter. Decision : His Excellency has been pleased to grant to Mr. Wm. Trotter an Extension of 2000 Acres on the ground where he is located, on condition of his giving up his rights upon Mr. Sephton's Location. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Mr. T. Norton. Decision : His Excellency does not intend to grant any more Erven in Graham's Town, except for special purposes, or as an Equivalent for Land given up elsewhere. Mr. Norton may have frequent opportunities of purchasing one, should he feel so inclined.

Claimant's Name : Mrs. Campbell. Decision : His Excellency has been pleased to authorize a grant to Mrs. Campbell of 4000 acres of Land adjoining her present Location, and including her present Residence. The Extension to be principally to the Southward. The Boundaries to be defined by the district Surveyor. His Excellency regrets that having been obliged to acknowledge the claims of the Salem Party to a portion of the Rietfontein, He cannot grant a full place to Mrs. Campbell.

Claimant's Name : Mr. Phillips. Decision : His Excellency has been pleased to grant to Mr. Phillips between 3 and 4000 Acres to the South of the Rietfontein, including Lynch's Post. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Mr. J. Carlisle. Decision : The request of Mr. Carlisle cannot be complied with, as His Excellency has already disposed of the Land he applied for.

The Seamen attached to the Establishment at the Kowie are informed that their Memorial for Building Plots at the Kowie Mouth is to be referred to the Government Resident at Port Frances.

Claimant's Name : Lieut. A. Bissett and Mr. James Collis of Mr. Willson's Party. Decision : It appearing to His Excellency the Governor that these Parties have equal claims, the Land prayed for north of Mr. Nourse's Grant must be divided between them with an equal right to water. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Mr. T. S. Brown. Decision : Mr. Hayward having reported to His Excellency the Governor that the grant of the Land prayed for by Mr. Brown would interfere with the new Road proposed to be made near Graham's Town, His Excellency cannot comply with his request.

Claimant's Name : Captain Bagot, and Messrs. T. W. and B. Trollip. Decision : It having been represented to the Governor that the grant of the Land solicited at the Blue Krantz River would interfere with the Outspan, His Excellency cannot comply with their request.

Claimant's Name : Mr. M. Bowker. Decision : His Excellency the Governor has been pleased to authorise a Grant of Land to Mr. Bowker north of Mr. Richardson's Location, of about 500 Acres. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Mr. A. Barker. Decision : His Excellency the Governor cannot make any extension of Land to Mr. Barker, until he returns to his Location.

Claimant's Name : Mr. A. Biggar. Decision : His Excellency the Governor is pleased to allow an Extension of Land to be made to Mr. Biggar of about 3000 Acres, as will be defined by the district Surveyor. His Excellency is further pleased to order that the Land measured for Mr. Biggar at the Mill River be also confirmed to him.

Claimant's Name : Captn. H. Crause. Decision : His Excellency the Governor has been pleased to authorize a grant to be made to Captain Crause of 2000 morgen at the South East angle of the late Lieut. Colonel Frazer's Farm. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Lieut. John Crause. Decision : His

Excellency the Governor is pleased to authorize a Grant of Land to be made to Lieut. Crause to the extent of 2000 Morgen in the neighbourhood of the Assegai and the Kareka Rivers, on condition that he vacates his rights on his original Location for the benefit of the remaining Party. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Mr. F. Carlisle. Decision : His Excellency the Governor has been pleased to authorize a grant of Land North of Lieut. Col. Frazer's applied for by Mr. Carlisle. The Boundaries to be defined by the district Surveyor, but not to interfere with the Outspan Place.

Claimant's Name : Messrs. Ford, Kirkman, Hyman, and Ford. Decision : Messrs. Ford's request for the Land north of Lieut. Col. Frazer's cannot be complied with.

Claimant's Name : Jeremiah Long (of Geo. Smith's Party). Decision : His Excellency the Governor cannot find out where the Land applied for by Mr. Long is situated ; he must be more explicit in stating the spot he asks for.

Claimant's Name : Mr. R. M. Satchwell. Decision : The Land prayed for by Mr. Satchwell having been already disposed of, His Excellency the Governor cannot comply with his request.

Claimant's Name : P. Moorcroft (of C. Crause's Party). Decision : His Excellency the Governor will grant a small extension of Land to Mr. Moorcroft South East of his Location, provided there be any left after Mr. Devine's Grant has been measured. The District Surveyor will arrange this.

Claimant's Name : Mr. Donald Moodie. Decision : His Excellency the Governor is pleased to grant an extension of Land to Mr. Moodie South of his Location, to be defined by the district Surveyor, but not on any account to interfere with the Outspan.

Claimant's Name : Mr. Geo. Palmer (of the Nottingham Party). Decision : His Excellency the Governor having deemed it advisable to reserve the Land prayed for by Mr. Palmer for an Outspan, His Excellency cannot comply with his request.

Claimant's Name : Mr. G. Southey. Decision : The Land prayed for by Mr. Southey being on the neutral ground, His

Excellency the Governor does not deem it advisable to dispose of it.

Claimant's Name : Mr. J. Walker (of Geo. Smith's Party). Decision : His Excellency the Governor has no objection to grant to Mr. Walker an Extension of Land, as prayed for by him, provided it will not interfere with the Farm of Bester, whose claims must not be prejudiced. The District Surveyor will decide on this.

Claimant's Name : Mr. J. Wyatt. Decision : His Excellency the Governor cannot comply with Mr. Wyatt's request, as the grant of the Land he applies for would interfere with the Outspan place and with the Lands of Messrs. Daniell.

Claimant's Name : Lieut. Rubidge. Decision : His Excellency the Governor has been pleased to authorize an extension of Land to Lieut. Rubidge to the South West of his present Grant ; to be defined by the District Surveyor, according to Instructions given to him by Government.

Claimant's Name : Mr. Biddulph, Junr. Decision : His Excellency the Governor will have no objection to grant to Mr. Biddulph the Old Kap River farm, on condition that he resigns to Government the farm which he purchased of Mrs. Scott for the use of the Kaffer Drift Post.

Claimant's Name : Mr. A. Howison. Decision : His Excellency the Governor is pleased to authorize a grant of the Secretary's farm to Mr. Howison, as an Equivalent for his Land on the Botha's Hill, reserving the woods for Government, provided he makes the Road proposed by him, and that a right of Road to the woods through the ground be also reserved. The Boundaries to be defined by the District Surveyor.

Claimant's Name : Serjeant Grant. Decision : His Excellency the Governor has been pleased to authorize a Grant of between 1000 and 1500 acres of Land to be made to Serjeant Grant, between the Kasouga and Kareka Rivers. The spot and Boundaries will be pointed out by the District Surveyor.

Claimant's Name : Various Persons for the Grant of Erven in Graham's Town. Decision : His Excellency the Governor has ordered Erven to be put up to Sale from time to time in Graham's Town. It is not his intention to grant any more Erven gratis, except for special Services or as an equivalent for Land given up elsewhere.

Claimant's Name : Mr. Dietz. Decision : His Excellency the Governor has been pleased to authorize the grant of a portion of Land to Mr. Dietz near to his House and at the foot of Botha's Hill, and also an additional grant of the Land formed by the Ridge called Botha's Hill and the valley beneath in the direction of the Fish River, on Mr. Howison resigning his rights on this Land for an equivalent elsewhere. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Mr. Hy. Ulyate. Decision : His Excellency the Governor has been pleased to authorize a grant to be made to Mr. Ulyate of the Valley applied for by him and situated about four miles from Graham's Town at the South East of Mr. Goodwin's farm. The Timber however in this Valley, and a right of Road to it, must be reserved to Government. The District Surveyor will define the Boundaries.

Claimant's Name : Mr. S. Rowe. Decision : His Excellency the Governor has been pleased to authorize Mr. S. Rowe to occupy a piece of Land to the extent of 30 Acres at the Bosjesmans River, on condition of his keeping thereon a House of public accommodation, but he is not to encroach on the Outspan. A Letter of Licence to this effect will be furnished to him by the Landdrost, but no diagram or title to the Land will be made to him.

Claimant's Name : Mr. R. Henman. Decision : His Excellency has been pleased to authorize the Grant of an half Erf at Graham's Town, in extension to his present Grant.

Claimant's Name : Mr. R. Wilde. Decision : His Excellency the Governor is pleased to authorize the grant of a Small Lot of ground in Graham's Town to Mr. Wilde for the purpose of his building a School thereon, to be pointed out by the Landdrost.

Claimant's Name : Mr. John Brown. Decision : In consequence of the great encrease of illicit traffick with the Kaffers, His Excellency the Governor is determined to grant no more Land on the Fish River side of the mountain ; He cannot therefore comply with Mr. Brown's request.

Claimant's Name : J. Erith and Jane Erith. Decision : Mr. Hayward has been directed by His Excellency the Governor to enquire into the merits of their claim in Cape Town.

Claimants' Name : Messrs. S. H. and R. Bradshaw. Decision :

His Excellency the Governor has been pleased to confirm the grant of the portion of Land occupied by Messrs. Bradshaw on both sides of the Bathurst River for the purpose of erecting a Mill. The Boundaries to be defined by the district Surveyor.

Claimant's Name : Mrs. Ellen Griffiths. Decision : His Excellency the Governor has been pleased to grant an Erf in Bathurst adjoining her present Residence, on her resigning her claims on the Location of Cawood. To be pointed out by the Landdrost.

Claimant's Name : Mr. J. J. Hope, District Surveyor of Albany. Decision : His Excellency the Governor has been pleased to confirm to Mr. Hope the Grant of the piece of Ground on the Eastern side of his garden which he has already occupied, and also to permit him to erect a Strong Bank close to a ruined Ditch adjoining his property. His Excellency is further pleased to authorize the purchase by Mr. Hope of a piece of Ground situated between the Lot granted to Mr. Miles Bowker and Rockey Hill, the price to be fixed by the Landdrost, and He will also confirm to Mr. Hope such vacant Land in the immediate neighbourhood of his property as he may from time to time enclose and plant.

Claimant's Name : Mr. C. Dalgairns. Decision : The Land prayed for by Mr. Dalgairns has been partly disposed of to a Person whom His Excellency the Governor conceived to have a preferable claim, especially as Mr. Dalgairns had sold the Land which had previously been granted to him by Government. His memorial under date 20th instant, praying for the remainder of that Land, which has also been applied for by other Claimants, will be forwarded to the Landdrost of the district.

Claimant's Name : Jeremiah Long. Decision : His Excellency the Governor has been pleased to grant the Britzkraal farm with 2000 acres to Mr. Long. The district Surveyor will define the Boundaries.

Claimant : The Theopolis Institution. Decision : His Excellency the Governor having been obliged to take into consideration the prior claims of the Salem Party, the Widow of the late General Campbell and others, regrets that it is not in His Power to comply with the request of the Heads of the Theopolis Institution for Land at the Rietfontein.

Claimant's Name : Isaac Deadman. Decision : His Excellency the Governor has been pleased to grant to I. Deadman (Steward of Capt. Trappes) as a remuneration for his expenses and labor on the farm adjoining the Location of the Nottingham Party, formerly the Property of that Officer and now resigned by him to Government, an Extent of 500 Acres around his residence, including the Lime Kilns. The Boundaries to be defined by the district Surveyor.

Graham's Town, February 23rd 1825.

By Command of His Excellency the Governor.

(Signed) RICHARD PLASKET, Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 6th July 1825.

MY LORD,—I have had the honor to receive Your Lordship's Despatch under date 14 February, No. 144, announcing to me that you had authorized Mr. Greig to return to this Colony, and to get back his printing Materials for the purpose of enabling him to publish a Journal upon principles strictly conformable to the conditions and modifications stated in the Prospectus issued by him.

I shall make a point of authorizing Mr. Greig on his arrival here to publish a public Paper or Journal under the restrictions stated by Your Lordship, but I regret that it will not be in my power to meet Your Lordship's wishes on the subject of the Printing Materials, as they were sold on the 30th July 1824 to Mr. Bridekirk, the Editor of the *South African Chronicle*.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*CAPE OF GOOD HOPE, 6 *July* 1825.

MY LORD,—Having referred to the Orphan Board at this Place Your Lordship's Despatch of the 21st of September last, and the Papers therein inclosed, respecting John Albrecht a Native of the Canton of Bern in Switzerland, I have the Honor to transmit to your Lordship a Copy of the Reply from that Board, containing the result of their enquiries relative to the Individual in question. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

ORPHAN CHAMBER, 13th *April* 1825.

SIR,—In reply to the letter of the Assistant Secretary of the 11th Ulto. giving cover to a copy of a Despatch from the Secretary of State for the Colonies, with copies of the letter and enclosures from the Foreign Office, therein referred to, requesting that enquiry may be made respecting an Individual named John Albrecht, a Native of the Canton of Bern, in Switzerland, supposed to have died in this Colony, for our inquiry and report thereon. We have the honor to submit to you for the information of His Excellency the Governor that Mr. Johan Christian Albrecht (supposed to be the Individual who is alluded to in the Dispatch) died in Cape Town on the 25th July 1815 ab intestato, that the effects relinquished by him were in consequence taken under the ex officio administration of our Board, and that the property was divided between his heirs at Law, as appears by our former communications to His Excellency the Governor on the same Subject dated the 13th September and 22nd of October last, of which we have the honor of enclosing copies. We have the honor &c.

The Board of Orphan Masters.

(Signed) J. A. TRUTER.

Sir Richard Plasket, Knight,
Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 6 July 1825.

MY LORD,—With reference to the Dispatch which I had the honor to address to Your Lordship under date the 31st March last, relative to the District of Albany, I now beg leave to forward for Your Lordship's favorable consideration a Memorial from such of the British Settlers in Albany who are desirous that their Families should join them in this Country, and who request that this Boon may be granted to them at the expence of His Majesty's Government.

A List of the Individuals of each Family is herewith annexed, and Mr. Shepherd who has been deputed by the Petitioners to watch over their Interests in England is furnished with the Residences of the several Families included in the List, and will have the honor of waiting upon Your Lordship on his arrival in London. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

To His Excellency the Right Honorable General Lord Charles Henry Somerset, &c., &c., &c.

The humble memorial of the undersigned Settlers Humbly Sheweth

That in consequence of Your Excellency's having, whilst at Graham's Town, been graciously pleased to declare that the Memorial (praying for your Excellency's recommendation for bringing out the Relatives of the Settlers at the Government Expence) should be taken into Your Excellency's attentive consideration,—

Your Memorialists in returning their unfeigned thanks for this your Excellency's humane and continued attention to the welfare of the Settlement beg most humbly to state that Mr. Wm. Shepherd is willing to return to England and has offered on his return to the Colony to take charge of the embarkation,

and from his well known correctness of character we are anxious that he should Superintend the Same and should Your Excellency be pleased to assist him in the undertaking.

Your Memorialists as in duty bound will ever pray, &c.

(Signed) MRS. HARPER	BENJN. PATRICK
STEPHEN BROWN	JOHN GILLINS
GEORGE GATEHOUSE	SAML. SCROOBY
ROBERT BRADY	JAMES HOOLE
WILLIAM MILLER	A. KIDWELL
JOHN BIGGS	WILLIAM SHEPHERD
RICHD. BRADSHAW	MRS. THOMAS
ROBERT ROE	JOHN MCKENNY
J. NIELAND	JAMES GREATHEAD
WM. VERITY	JAMES RATHBONE
WM. HUNT	JOHN AUSTIN
JAMES PAXTON	SAML. FIELD
GEORGE MARSDEN	WM. SERGEANT
THOS. KEMPSTER	CHARLES GRUBB
CHARLES CROFT	WM. LUCAS
WILLIAM PIKE	CHS. HYMAN
RICHD. BRADSHAW	THOS. YOUNG
RICHD. NEWTON	BENJN. NORDEN
WM. GODDARD	DENNIS HOLLAND
JOHN BROWN	JAMES HOWSE
JAMES KIDD	JOHN PANKHURST
WM. STANTON	JOHN MARSHALL
GEO. FOOTER	JEREMIAH HONEY
JOHN HANNAN	J. DEDMAN
HENRY BROOKS	JEREMIAH GOLDSWAIN
WILLIAM MATHEWS	GEO. BAGER
GEORGE HODGKINSON	ROBERT PITT
JAMES J. EVA	SAMUEL PRINN
RICHARD BOWLES	W. WATSON
JAMES BOWSHER	JAMES KEMP
THOS. KING	EDWD. PURVEY
MALACHY CROWLY	W. HOWARD
HUMPHRY CROWLY	WILLIAM FARR
DAVID GOULDING	ROBERT ROBERTS
CHRISTOPHER DALE	BENJN. FORD

PETER VALLENTINE	J. H. DUDLEY
RICHARD ATTWELL	WM. DIVINE
JOHN MOODY	P. ELEVARD
RT. WICKS	CHRISTOPHER ADCOCK
RICHD. PICKSTOCK	WM. THACKWRAY.
THOS. SLATER	

[Original.]

Letter from MR. JOHN RENNIE to R. WILMOT HORTON, ESQRE.

LONDON, *July 6th* 1825.

SIR,—In consequence of your request that I would give my opinion as to the propriety and possibility of constructing a breakwater at Cape Town for the purpose of affording shelter to His Majesty's ships and those belonging to the Merchant Service, I have turned my attention to the subject, but not having been provided with accurate plans and other necessary data my observations must be considered as applying only generally to the subject. The principal points in such an enquiry are the winds, the nature and quality of the materials, the depth of water, the tides, currents, &c.

With regard to the first, from the information that I have been able to collect, it appears that Table Bay lies exposed principally to gales from the N.W. and S.E., the former commence about the end of May and continue until the end of August, they are the most violent and coming from the sea are the most to be dreaded; the latter commence about the end of August and continue until the end of May, they are consequently the most prevalent and are at times extremely severe, although, coming from the land their effects are not so disastrous as those of the former. From all however that I have been able to learn concerning these winds, I am inclined to think that with a sufficient quantity of proper materials a breakwater may be constructed so as to resist effectually their utmost violence.

With regard to the second, namely the nature of the stone, (which is certainly a point of the greatest importance), I have been informed by Mr. Barrow, an authority of the first respec-

tability in everything relating to the Cape of Good Hope, that the principal materials are granite, schistus, and sand-stone, the former is found in great abundance along the shores of the Bay and the neighbouring Mountains and is admirably adapted for this purpose, and the latter, although not equal to the former, yet if capable of being raised in sufficient sized blocks may be beneficially employed in various parts of the work. The question as regards the building materials has been further confirmed by Mr. Durham, a gentleman of some experience in building, and lately returned from the Cape.

With regard to the expence, the proper form and mode of constructing such a breakwater, previous to being enabled to give a decided opinion upon these points, I must be furnished with more ample and accurate details than I now possess ; viewing the question however in every light, the subject appears to be of the greatest importance to the Colony and well worthy of further investigation ; as far as my present information enables me to form an opinion I think that the scheme of constructing a Breakwater at the Cape of Good Hope is highly practicable. I have &c.

(Signed) JOHN RENNIE.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

STOCKWELL, 6 July 1825.

MY LORD,—I continue to smart under the giant power of your Lordship ; if after discharging ninety and nine obligations out of one hundred, my endeavours are to be wrecked because of some *legal* objection taken to the performance of the last hundredth stipulation, it must be an Iron authority indeed that would seize such a pretext to crush an Individual circumstanced as I am, for my temerity in trusting to honor and to common humanity ! Your Lordship too is aware that my printed “ general memorandum ” was detained by the Court of Justice at the Cape, again I must pray your Lordship to furnish me with another, or at least permit me to take a copy that I may see wherein lies the breach of covenant !

With reference to the degrading intimation (after I have traversed the whole system of your Settlement, as the Head of a party, after having advanced deposit money for my family and for a number of my followers, to say nothing of my losses in this respect) that I am held in no other light by your Lordship than one of my articted Servants, “an individual Settler belonging to one of the parties which left England,” is surely an intimation that might have been spared as useless, but appears cruelly introduced to wound my feelings, and it must be evident that if I am defeated in my object of handing to my posterity an extensive landed possession, which was the motive of my first enterprise, it can never be worth my while to hazard a second voyage to the Cape for a trifling acquisition. I possess still (Heaven be thanked) a moderate Independence in England, which could be employed to much greater advantage in France than at the Cape; notwithstanding this, if I could have a reasonable proportion of land, and a suitable employment, it would be an inducement to return to that Colony; this I must beg leave to submit to the good feeling and consideration of your Lordship. I have &c.

(Signed) THOS. WILLSON.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th July 1825.

MY LORD,—I have had the honor to receive Your Lordship's Despatch (Circular) under date the 20th November last, announcing to me that His Majesty had been graciously pleased to authorise the Governor, Acting Lieutenant Governor and Chief Officers of this Colony to wear an uniform, as therein described, and requiring that I should transmit to Your Lordship the names of those Superior Officers of this Government who may appear to me most deserving of this distinction.

I have therefore, in pursuance of the above communication, the honor of forwarding to your Lordship a List containing

the names of the Heads of the Principal Civil Departments in this Colony.

I would however suggest to Your Lordship whether some distinction should not be made in the uniform of the Members of Council.

Presuming that it is not intended to apply to the Judges and Law Officers of the Crown, I have not inserted their Names in the List. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S.—Should Your Lordship be of opinion that the selection I have made of the Heads of Departments is too extended, the line can be drawn according to Your Lordship's pleasure, and I shall not make any communication to the parties until I receive Your sanction.

[Enclosure in the above.]

The Members of His Majesty's Council,
The Auditor General,
The Receiver General,
The Colonial Paymaster,
The Collector of Customs,
The Comptroller of Customs,
The President of the Burgher Senate,
The President of the Orphan Chamber,
The President of the Bank,
The Landdrosts of the several Districts and the Government
Residents at Simon's Town, Port Elizabeth, and Port Frances,
The Sequestrator,
The Commissioner of Stamps,
The Assistant Secretary to Government,
The Receiver General of Land & Revenue,
The Inspector of Lands and Woods,
The Commissaries of Vendues,
The Postmaster General.

[Copy.]

Letter from the SECRETARY TO GOVERNMENT *to* SIR
JOHN TRUTER.

COLONIAL OFFICE, 7th July 1825.

SIR,—His Excellency the Governor has had the honor of receiving your letter under date the 31st January last, together with the accompanying proceedings of the late meeting of the Synod of the Reformed Church, with an introductory letter from that body.

His Excellency has to apologise for the apparent length of time which has elapsed since these documents reached him, but it has chiefly arisen from the delay which has taken place in the translation of them by the Government Translator.

His Excellency most sincerely regrets the cause which has deprived you of the aid and assistance of your fellow Commissioner, at the same time he feels confident that the interests of Government have been equally attended to under your individual superintendence. And he has great satisfaction in observing the cordiality and unanimity with which the proceedings have been conducted, and the confidence in, and attachment to, His Majesty's Government, which have been evinced by the Members of the Synod.

His Excellency will now proceed to give his decisions on the several points alluded to in the proceedings and in the accompanying letters, whether from yourself or from the Synod.

1. In the first place His Excellency is disposed to approve of the general Regulations framed by the Synod for the Government of the Reformed Church in this Colony, whether in its combined assemblies or in its subordinate parts, and he will be happy to authorize the printing of such regulations.

2. His Excellency is equally disposed to approve of the Regulations for holding Religious Meetings as well as for the establishment of the Clergymen's Widows fund, but in regard to the loan from the Orphan Chamber of 10,000 Rds. without interest, he wishes that point to be postponed and considered as a separate question independent of the Church Regulations.

3. In regard to the appointment of Itinerant Preachers and

schoolmasters with the view of affording Religious Instruction to the families and servants of those Residents in the Country districts whose houses are too distant from each other to allow of any periodical congregation being held, His Excellency is of opinion that such a System would be attended with manifold advantages. He feels also the benefits that would be derived from the establishment of a preparatory Theological Academy, or at all events from a competent person being attached to one of the existing seminaries to superintend the religious education and to teach the principles of Divinity to such of the Scholars who may be destined to proceed to Europe for the purpose of being regularly educated for the situation of ministers of the Reformed Church. His Excellency however trusts with confidence that the Church Funds of the Colony will be found fully sufficient to meet the additional expense to be incurred under these heads, as the finances of the Government do not at present warrant him in holding out any pecuniary aid to the Church beyond what has already been bestowed upon it.

4. His Excellency cannot too strongly impress upon the minds of the Synod the necessity, for the benefit of the people themselves, that the rising generation should be instructed in the English Language, as the only means of their ever attaining employment under the Government. He therefore entirely approves of the translation of the Heidelberg Catechism into English for the use of the Schools.

At the same time however that he feels himself bound to impress in the strongest manner the necessity of the general introduction of the English language as the only language to be made use of in future in all public and legal transactions of every kind, he feels the force of the observations made by you in regard to such obligation not being binding with reference to Religious Worship, and His Excellency will feel inclined to give the most liberal interpretation to this important point, and he therefore cannot object to the Religious Instruction being for some time to come given in the Dutch Language, provided always that the English language be taught in all the schools.

5. His Excellency is also pleased to enter into the views and feelings of the Synod relative to the appointing to the situation of Political Commissioners persons who are not of the Reformed

Church of the Colony, not of the Established Church of England, nor belonging to any Protestant Church, and he will attend to this point in all such nominations.

6. In regard to the observations made by the Synod in their introductory letter relative to the profanation of the Sabbath, His Excellency will give instructions to the proper authorities to see that the Laws and Regulations which at present exist on this head be carried into strict effect, and he trusts that this will prove sufficient to remedy the evils complained of.

7. His Excellency has been pleased to approve of the Regulations proposed by the Synod in regard to the Church certificates as adverted to in their introductory letter, and he will authorize the civil authorities to attend thereto in as far as they are concerned. He also approves of the Resolutions passed as to the manner of raising and administering the Synod Funds.

8. With regard to the proposition which was deliberated on in the meeting of the Synod on the 16th November for effecting a close union between the Reformed Dutch and Scottish Church, His Excellency is of opinion that the Synod came to a very wise decision, and as such an amalgamation however desirable is of too much importance to be carried into effect without deep consideration and without the sanction of His Majesty's Government in England ; as connected however with the deliberations on this subject, His Excellency desires me to express his perfect approbation of the manner in which you insisted on upholding the ordinance of the Commissary De Mist, as the Law of the Land with regard to the government of the church of this colony, and in supporting the Supremacy of the Colonial Government over the Reformed Church, and its right, with the sanction and approbation of His Majesty's Government at home, of regulating and superintending the Government of the Church and of appointing the Clergymen, a right which must on no account be lost sight of or in any way be infringed upon.

9. His Excellency has already stated his willingness to authorize the printing of the Church Regulations at the Government Printing Office, and he is anxious to give the same facility to the printing of the Heidelberg Catechism and the other Regulations alluded to by the Synod, at the same time he will not be able to accomplish this for some time to

come unless by extra hands at extra hours, as the printing office is at present wholly employed in a very important duty which His Majesty's Government has ordered to be completed as early as possible, viz. the compilation and reprinting in one volume of the whole of the proclamations and Government Minutes or advertisements which have been promulgated since the year 1806.

In concluding His Excellency's remarks on the late proceedings of the Synod, His Excellency cannot refrain from expressing the high sense he entertains of the zeal and attention manifested by that Body for the welfare and good Government of the Reformed Church of this Colony, and He desires me particularly to express to you, Sir, individually his sincere thanks for the zealous exertion you have devoted with so much success in supporting on the one hand the Rights of Government, and on the other in cherishing a general spirit of concord and harmony in the meeting, which was so indispensably necessary to give a due effect to its proceedings.

His Excellency the Governor will forward the proceedings of the Synod with a Copy of this letter to His Majesty's Secretary of State for his information and sanction.

I have &c.

(Signed) RICHARD PLASKET,
Chief Secretary to Government.

[Original.]

*Letter from MR. BISHOP BURNETT to R. WILMOT
HORTON, ESQRE.*

BROWN'S HOTEL, WESTMINSTER, 7 July 1825.

SIR,—I beg leave to inquire whether any impediment exists on the part of His Majesty's Government to my immediate return to the Cape of Good Hope.

Under the apparent course of proceedings with respect to Lord Charles Somerset there evidently cannot be any, because the same justice which puts him upon his defence against my charges necessarily allows me to collect the proofs his own violence precluded my bringing with me to England.

The despotic and illegal sentence of banishment I cannot suppose to be any obstacle after Mr. Brougham's assertion as a Lawyer, that that alone would furnish ground of impeachment, nevertheless if Earl Bathurst is determined not to recommend the remission of the sentence, I shall be fain to return under such conditions as his Lordship may be pleased to impose.

Beyond however the important reason stated, my own private affairs and the nine actions in which I am Appellant to the full Court of Justice, imperatively demand my presence at the Cape, a consideration that alone points out the manifest injustice of preventing my return.

I have to beg as early an answer as you can favor me with.

I am &c.

(Signed) B. BURNETT.

[Original.]

*Letter from MR. BISHOP BURNETT to R. WILMOT
HORTON, ESQRE.*

BROWN'S HOTEL, PALACE YARD, WESTMINSTER, 7 July 1825.

SIR,—As the *Morning Herald* represents you to have said in the House of Commons on Tuesday last that none of the charges brought by me against Lord Charles Somerset have the slightest foundation in truth, may I be permitted to ask whether the assertion that paper imputes to you was made, or not.

If, which I trust is not the case, I am even invading any privilege by this inquiry, I am sure you will neither permit an imputation to rest upon my character in your name which you never uttered or suffer the Editor of that journal to be accredited with a foul and malignant misrepresentation.

If the Editor is mistaken he should be corrected, while on the other hand if you have so declared yourself, you cannot expect that I shall suffer the immolation of my character to be the price of a fictitious one for Lord Charles Somerset during the interval between the Sessions of Parliament.

I am &c.

(Signed) B. BURNETT.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 8th July 1825.

SIR,—I have the honor to transmit to you Copy of a Letter which I have addressed to the Agent for this Colony, Mr. Courtenay, relative to a supply of Stationery for the use of this Government being sent out annually, and I have to request you will be good enough to move Earl Bathurst to give His sanction thereto, as I am convinced a very great saving may be made in that branch of Expenditure, as it has hitherto been customary for the Messenger of the Colonial Office to purchase the supplies of Stationery from time to time as required, at the retail shops here, and by which a very high price has been paid for very inferior Paper. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

[Original.]

Letter from MR. D. P. FRANCIS *to* EARL BATHURST.

5 JEFFREYS STREET, KENTISH TOWN, 8th July 1825.

MY LORD,—I had the honour of receiving from your Lordship's Department a Communication dated the 16th of last month, stating that no report had yet been received from the Commissioners of Inquiry at the Cape of Good Hope relating to my Case, but that whenever such report does arrive your Lordship will be disposed to consider my Claims as favourable as the nature of the Circumstances will allow.

I can only rest on the justice of those Claims, My Lord, founded on the Circumstances represented in my previous statement to your Lordship, and if the nature of the Commission instituted for Inquiry at the Cape allows of Individual Cases being fully investigated I feel confident that your Lordship's favorable Disposition would in such case be strengthened by any Inquiry which may be entered into on the merits of my Case.

But as there is no probability of ascertaining the period at which the Commissioners' Report may be forthcoming, also the total uncertainty of the first report embracing anything relating to my Case, together with the lapse of time (two years) since I submitted it to the Commissioners, and without entering into a statement of those unpleasant difficulties I have on a former occasion presented to your Lordship, which have occurred to me from the Circumstances set forth in my Memorial of the 16th of April last, I do most humbly hope that your Lordship will under those circumstances vouchsafe to grant me something Pro Tempore, and extend your benevolence as an act of Justice for the loss of Property and sacrifice of time (near six years) in the Cape of Good Hope, by giving me some employment in that Colony adequate to such losses.

When My Lord I reflect upon the subject in question and point out to your Lordship that ever since the Commencement of the formation of the Emigration to the Cape in 1819, up to the present time, has been one continued drain upon my finances, and the distress occasioned by Circumstances before mentioned will I trust be a sufficient apology for beseeching your Lordship will be graciously pleased to grant my request, at the same time I beg to assure your Lordship that I am far from wishing to importune your Lordship unnecessarily for an early reply, but when I consider the justness of my Claim and the state to which I am reduced from loss of property, and without employment, I cannot but hope your Lordship will take an early and favourable view of the Subject. I have &c.

(Signed) D. P. FRANCIS.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 11th July 1825.

MY LORD,—I have the honor to acquaint your Excellency that the Reverend George Morgan has recently arrived from Holland and having satisfied me that he has attained a

sufficient knowledge of the Dutch language to qualify him to conduct the Religious Services of a Dutch Congregation I have directed that the sum of forty Pounds should be issued to him for the purpose of enabling him to proceed to the Cape of Good Hope, and also that the sum of Thirty Pounds should be advanced to him on account of his Salary, and I have to desire that your Excellency will take the earliest opportunity of appointing Mr. Morgan to some vacant Ministry.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12th July 1825.

MY LORD,—I have had the honor to receive Your Lordship's Despatch under date 9th February last, giving me detailed Instructions relative to the mode of preparing for the consideration of Council, and of Promulgating and Recording, after they may have been approved of by Council, all Proclamations, Ordinances or other Public Acts of a Legislative nature that may be issued by this Government, and I have to acquaint you that Instructions to the several Officers concerned have already been given upon this Head according to Your Lordship's desire, and that I shall take care They are strictly acted up to.

In regard to that part of Your Lordship's Despatch which refers to a compilation of the Proclamations and Ordinances of a Legislative nature which have been promulgated by me or by my Predecessors in Office since the Conquest and Cession of the Settlement, I have the satisfaction of stating to Your Lordship that every single Proclamation, Government Minute or Advertisement which has been issued since the Capitulation of 1806, is recorded in the Colonial Office, Signed and Sealed by the respective Governors, and I had previously to the receipt of Your Lordship's Despatch given Instructions that

the whole should be reprinted and bound up in One Volume, which I trust will be prepared in a few Months without any Expencc to Government, and which I shall take the earliest opportunity of transmitting to Your Lordship when finished, with a regular Index. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12th July 1825.

MY LORD,—I had the honor by the last Mail from England to receive Your Lordship's Despatch of the 20th November last No. 130 requiring more full Explanation of the Causes which have rendered necessary the Augmentations in the Civil Establishment of this Government in the Years 1822 and 1823, which I had the honor to report to your Lordship on the 7th July and 24th September 1823.

I now have the honor, in addition to more full Explanation, to annex the Reports and representations of the local authorities stating the necessity of the several augmentations upon which I acted in almost all the Cases, and which will I trust be entirely satisfactory to Your Lordship and induce You to cause Your sanction thereof to be notified to the Auditors of Colonial Accounts.

I avail myself of this opportunity to assure Your Lordship that nothing is more irksome to me than a call upon me for encreasing the Expenditure of this Government, particularly as I perceive an almost daily decrease of Revenue from a combination of circumstances which I fear there are no means of averting. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Further Explanation of the Reasons for incurring the under-mentioned Items of Unfixed Contingencies, appearing in the accounts of the Government of the Cape of Good Hope for the year 1822, called for by EARL BATHURST in HIS LORDSHIP'S Dispatch of the 20th November 1824.

SERVICES,		Rds.	sk.	st.
1. (a)	For Articles supplied and repairs done to the Government Brig <i>Locust</i>	6,653	4	4
(b)	For launching and completing Government Cutter <i>Winfred</i>	3,875	4	0
(c)	For Stores supplied for the use of the said Cutter.	3,693	6	0
2. (a)	For Pay due to Artificers and Labourers employed in the rebuilding of Newlands for the months of April, May and June	4,145	3	3
(b)	For Pay due for July, August, and September	3,375	4	0
(c)	For Provisions issued to do. do. employed in do. between 25th December 1820 and 24th June 1821.	6,651	7	5½
(d)	For do. issued to do. between 25th June and 24th December 1821	4,635	4	2¾
(e)	For Iron and Smith's work supplied to the Government Buildings	3,556	0	3
3. (a)	On account of the Government Buildings carrying on at Simons Town	4,000	0	0
(b)	For an advance to the Government Resident at Simons Town to repair the damages done to the road of Simons Town by the last Tempest and Torrents	5,000	0	0
4.	For Repairs to Government Buildings at Camps Bay destroyed by the Tempest.	3,142	4	4
5.	For building a Bridge across the Liesbeek River near Cape Town	4,570	0	0
6. (a)	An advance of the sum for which Mr. P. Retief has by Contract undertaken to erect a Drostdy House at Graham's Town	9,000	0	0
(b)	An advance to do. do. for do.	6,000	0	0
7. (a)	An advance made on account of the building of the Drostdy House at Bathurst	4,000	0	0
(b)	A Do. Do. on account of Do.	4,000	0	0
(c)	For partly building the Drostdy House at Do.	4,422	5	3
(d)	The Supply of Stores, &c., to the Provisional Magistrate at Bathurst for carrying on the Building of the Drostdy House	3,611	2	4
8. (a)	For Shingles and Timber supplied for the use of the Government Buildings when required	14,005	5	0

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
(b) For Paints and Oil supplied for the above purpose .	4,436	4	0
9. To the Government Agent in Griqua Town for the Expense of his Outfit	3,210	0	0
10. To the Land Surveyors Leeb and Azerond for surveys effected on the Kat and Coeromboe rivers	2,859	4	4
11. For disbursements made to Sundry Persons on account of the Colonial Government	3,005	6	3½
12. For do. do. to Armed Inhabitants on the Frontier	4,674	0	1½

Remarks.

1. The navigation on the Coast of Southern Africa being attended with considerable danger, repeated repairs of the Vessels become necessary and of a nature not to admit of a previous reference to England for an authority or of any delay in authorizing them to be made.

(b) The *Winifred* Cutter was purchased by the Acting Governor during my absence, and the charges for launching and completing were not brought in until after my return to the Government.

(c) Without the expence hereby incurred the Cutter could not go to Sea.

2. The new work as well as the outbuildings and offices received very extensive damages by the force of the Tempest in the middle of the year, and it was necessary to cause immediate repairs to be applied in order to save the remainder.

It is obvious that the expense authorized by warrant was incurred under the administration of the late Acting Governor.

Authority for the rebuilding of Newlands was applied for to His Majesty's Secretary of State in August 1819, and an answer received under date 2nd July 1823 stating that His Lordship had recommended the measure for the sanction of the Treasury.

3. Unavoidable Repairs, in which delay would have led to very extensive dilapidations.

(b) Unavoidable from the destruction caused by the Tempest of last Winter, by which the Public Road was rendered almost impassable. This is part of the Public dilapidations for which £25,000 Sterling were estimated to be drawn from England, but which were not drawn in consequence of the Receipt of Earl Bathurst's Dispatch of 31st January 1824.

4. Same remark as No. 3.

5. Begun by direction of the late Acting Governor, the Bridge having given way, and in progress on my reassumption of the Government.

6. Unavoidable for the Establishment of the new District of Albany and of such a pressing nature as not to admit of previous reference.

7. The whole of this Expenditure was incurred in consequence of directions from the late Acting Governor.

8. The state of the Market in this Colony is such that a due regard to economy requires the purchase of building materials &c. when a fair opportunity offers, in order to obviate the necessity of buying them at exorbitant prices, when they are wanted. Hence no previous authority could be applied for.

9. This Expenditure was incurred with a view to promote a most beneficial object, viz. the Civilization of the neighbouring tribes of the northern boundaries of the Colony, did not admit of a previous reference.

10. This charge will be found on reference to the Commissariat accounts to be recredited to the Colonial Government as one of the Items of expenditure to be defrayed by that Department on account of the English Settlers, which account was transmitted to Earl Bathurst in my Dispatch of 27 December 1824.

11 and 12. These charges for the greater part connected with the Expenditure incurred in the defence of the Colony against the late Inroads of the Caffre Tribes, have arisen under the administration of the late Acting Governor.

Explanation of the Reasons for incurring the undermentioned Sums of Unfixed Contingencies exceeding in amount £200 appearing in the Accounts of the Government of the Cape of Good Hope for the year 1823, and which require the Sanction of the SECRETARY OF STATE.

SERVICES.	AMOUNT.		
	Rds.	shs.	sts.
1. Wages to Labourers and Artificers employed in rebuilding Newlands	12,042	0	0
2. On account of the further Repairs carrying on at Newlands	23,756	6	3
3. Materials supplied and work done to the Government Slave Lodge	4,840	0	0

	<i>Rds.</i>	<i>shs.</i>	<i>sts.</i>
4. Repairs done to the Wharf, Cape Town	21,010	5	3
5. Repairs done to the Government Buildings at Simons Town	7,377	0	0
6. On account of the Repairs done to the road leading to the Naval Arsenal at Simons Town	12,000	0	0
7. On account of the Prison building at Graham's Town	43,000	0	0
8. Repairs done to the Parsonage House at Graham's Town	2,850	0	0
9. Purchase money of a Dwelling for the Secretary of Albany	10,000	0	0

Remarks.

1. See remarks to No. 2 and the explanations given for increasing the Unfixed Contingencies exceeding £200 in 1822.

2. do., do., do.

3. Upon the report of the Inspector of Buildings as to the necessity of the measure.

4. Rendered absolutely indispensable on account of the dilapidated state of the Wharf.

5. Undertaken upon the representations made to the Governor by the local authorities.

6. Indispensable for the public service, the road having been so greatly damaged by the Tempests of the preceding Winter as to render it almost impassable. This is a part of the public dilapidations for which £5,000 were estimated to be drawn from England, but which were not drawn in consequence of the receipt of Earl Bathurst's despatch of 31st January 1824.

7. Authority for erecting a Prison at Graham's Town was applied for to Earl Bathurst in the Governor's Despatch of the 14th June 1824, wherein it was reported that the erection of Buildings in Albany was a measure consequent upon the establishment of a District in that Quarter.

8. Executed for the accommodation of the Chaplain upon a report of the necessity of these repairs. Earl Bathurst's sanction hereto solicited under date 6th June 1823.

9. To check unwise Expenditure as reported to Earl Bathurst in the Governor's Despatch of the 8th October 1823, an allowance for House Rent annually having been allowed to the Secretary previous to the purchase being effected.

(Signed) CHARLES HENRY SOMERSET.

Encrease to Salaries.	Date of Encrease.	Amount.	
		From	To
1. A Ranger of Woods at Graham's Town	17 April 1823	<i>Rds.</i> 480	<i>Rds.</i> 600
2. Postholder at George.	1 November 1822.	288	360
3. A Postmaster at Graham's Town.	30 October 1823 .	300	600
4. An Undersheriff at Clanwilliam	10 January 1823 .	240	360
" Worcester	1 January 1823 .	240	360
5. The Coxswain at the Port Office, Cape Town	1 March 1823 .	420	480
European Sailors at do.	" .	360	420
Lascars at do.	" .	300	360
Coxswain at Port Office, Simon's Town	" .	420	480
Lascars do.	" .	300	360
6. The Postholder at Stellenbosch	1 January 1823 .	863 4	1872
7. The Constables in the Cape District	7 May 1823. .	300(each)	420
8. Seven Postholders at George	29 May 1823 .	288(each)	384
9. Coxswain at Mossel Bay	14 August 1823 .	420	540
10. Organist English Church, Cape Town	13 June 1823 .	350	400
11. Encrease in the Pension to men to be discharged from the Cape Regiment as unfit for Service	10 April 1823 .	<i>sk.</i> 1 p. diem <i>Fds.</i> 1 3	<i>sk. st.</i> 1 3
12. Postmistress at Uitenhage	31 October 1823 .	300	600
13. An English Schoolmaster for the Children in the Slave Lodge	21 November 1823	360	600
14. The Schoolmaster of the Free School at Simons Town	1 January 1823 .	200	300
15. The Postholder between Uitenhage and Port Elizabeth	1 October 1823 .	432	648
16. The 1st Letter Carrier in the General Post Office.	23 October 1823 .	40	50
2nd do.	" .	40	47 4
3rd do.	" .	40	45

Remarks.

1. The necessity for the greatest accuracy in a Department of so great importance as that of the Auditor General called for the immediate appointment of an additional clerk. Without this assistance the Auditor represented that the duties of his office could not be carried on.

2. In consequence of a strong representation of the Local Magistrate for the better regulation of the Police at the rising Town of Port Elizabeth, where an English (and not a very orderly) population is fast increasing.

3. The frequency of ships putting into Mossel Bay rendered

a Port Establishment there of the greatest consequence to enable the Resident to perform his duties with regard to the Shipping.

4. Imperatively necessary for a proper management of the Police of the District, according to the Landdrost's representation.

5. The growing Trade along the Eastern Coast of the Colony, and especially a recent Traffic opened to the mouth of the Kowie river rendered the immediate appointment of a Custom House Officer there necessary.

6. The want of such an Officer had long been felt, and the smallness of the remuneration, only £7 10s. per annum, at which his duties could be discharged, was an additional inducement to concede to the representation of the Postmaster General.

7. From the necessity of affording instruction to the children of the poorer classes of British Settlers in that part of the Albany District.

8. The numbering of Paper money and other minor occupations in the Receiver General's Office were hitherto performed by Clerks of other Departments, many considerations rendered a discontinuance of this practice desirable, and hence the necessity for these two new appointments.

9. Consequent upon the appointment (from Home) of a Clergyman and the Establishment of an English Episcopal Church at Graham's Town.

10. The generality of the British Settlers in the Albany District not being able in cases of Sickness to bear the charges of medical attendance, this appointment took place to grant them this assistance gratis. This appointment, independent of the above consideration, had also become necessary upon the same grounds which have warranted similar appointments in other Districts.

11. The disproportionate extent of one of the Field Cornetries of the District called for its division and for the appointment of an additional Field Cornet.

12. Considering the approved Establishment of other subdivisions of Districts, the applications of the respective Secretaries of Cradock and Beaufort for the usual assistance of a Clerk could not be objected to.

13. The number of English Teachers graciously allowed by His Majesty's Government for the instruction of the several Country Districts not being adequate to afford one for each village, this addition to their number took place in the same generous spirit which first induced their appointment.

14. The influx of a British Population and the consequent extension of the inhabited part of the Colony having greatly augmented the business transacted in this office rendered permanent additional assistance absolutely necessary.

15. Necessary for the due performance of this part of the Public Service. The service of the Signal Post has since been considered exclusively military and carried over to that Department.

16. Consequent upon the appointment of a Government Agent at Griqua Town, the expediency of which measure recent events have sufficiently justified.

17. Strongly recommended by the Collector of Tithes to meet the rapidly increasing duties of his office.

18. On representation of the Superintendent that one overseer could not longer do Justice to the work performed at that useful Establishment.

19. Consequent upon the building of a Church and the recent appointment of a Clergyman there.

20. This expense consisting in a fixed rate calculated according to the distance the Mail is carried has hitherto been paid as a contingent charge against the Colonial Government, but is presumed it would be more properly brought under the head of ordinary Expenditure.

Remarks on Encreases to Salaries.

1. The inconsiderable increase of only £9 per annum in this salary of this Situation (created by the late Acting Governor under the denomination of Woodman) was conceded to on a strong representation on the part of the local Magistrate, of its former total inadequacy to support an Individual of respectability in his District.

2. It has already on a former occasion been observed that the services performed by the Postholders must be looked upon as compulsory rather than sought for and that therefore

it is but reasonable to accede to fair representations on their behalf from their local Magistrates as being the best judges of the labor and expense they incur. The present encrease took place in consequence of such recommendation.

3. In consequence of a very extensive encrease of duty.

4. To place these Functionaries on the same footing with others of other Districts. No one competent to the duty or to whom it could be confided being to be found at a lower rate.

5. Strongly recommended by the Port Captain on representation of the parties. The increase in only £4 10s. per annum each. The price of labor encreases so rapidly that the Public cannot get served at a price considerably lower than is to be obtained any where.

6. Vide remark No. 2.

7. To place them in the same position as the Policemen employed in the Fiscal's Department, it being impossible to obtain competent or trustworthy persons at a lower rate of Pay, the price of Labor being so high.

8. Vide remark No. 2.

9. Vide remark No. 5 on representation of the Resident.

10. It was impossible to find a competent Individual at less Salary.

11. On the representation of the Officers of the Corps one skilling currency or 2½*d.* being quite inadequate to afford them the first necessities of life. The encrease is only one penny and ½ farthing per diem.

12. In consequence of the repeated representations of the Postmistress of the utter inadequacy of her former Salary, which representations were favourably reported upon by the Postmaster General.

13. No competent Person to be obtained at a smaller Salary.

14. Vide above remark. This Free school, like all others in the Colony, is also open for the Slave Population.

15. Upon a representation of the Postmaster General in order to place this Individual upon the same footing with the other Postholders of the Uitenhage District.

16. These Encreases have unavoidably taken place since it was found impossible to engage trustworthy persons on the former Salaries.

(Signed) CHARLES HENRY SOMERSET.

Further Explanation of the Reasons for incurring the under-mentioned Items of Expenditure appearing in the accounts of the Government of the Cape of Good Hope for the year 1822, called for by EARL BATHURST in HIS LORDSHIP'S Dispatch of the 20th November 1824.

Appointments.	Date of Appointment.	Salary per Annum.
1. A Custom House Officer at Port Elizabeth	1 October 1821	Rds. 1,000
2. Postmaster at Port Elizabeth	30 January 1822	300
3. An additional clerk in the Post Office	1 May 1822	1,200
4. An additional Letter Carrier in do.	"	480
5. A Functionary to the Department of Slave Registry, Simon's Town	25 January 1822	500
6. A Schoolmaster to the Government Slave Children	1 January 1822	200
7. A Secretary to the Colonial Medical Inspector	3 April 1822	500
8. A Chaplain at Wynberg	1 April 1822	1,000
9. A Church Clerk and Bellringer at Wynberg	12 August 1821	250
10. A Sexton at do.	22 July 1821	150
11. A Schoolmaster at do.	1 September 1822	600
12. An additional Minister to the Dutch Reformed Church at Cape Town	5 July 1822	2,500
13. A Church Clerk at Bathurst	1 June 1821	177 6
14. A Secretary to the Resident at Simon's Town	25 January 1822	1,000
15. A Clerk for the Functionary for the Slave Registry at Stellenbosch	7 November 1821	300
16. 2 additional Constables at Simon's Town	24 January 1822	420
17. A Government Agent at Griqua Town	22 March 1822	1,000
18. An Under Sheriff at Clanwilliam	13 February 1822	240
19. A Clerk to the Secretary at do.	26 June 1822	300
20. A Pilot at the Kowie	3 August 1821	600
21. 4 Boatmen at do.	18 September 1821	360 each
22. 2 do. do.	26 September 1821	360 each
23. A Wood ranger in the Albany District	22 August 1821	480
24. An additional Field Cornet in do.	15 November 1821	200
25. 2nd Messenger at do.	"	300
26. A Second Clerk to the Magistrate at do.	1 March 1822	300
27. Two Clerks to the Secretary at do.	15 November 1821	300
28. An additional Constable at do.	1 February 1822	180
29. An additional Boatman at Port Elizabeth	1 March 1822	360
30. A Porter at Government House	1 January 1822	1 shilling sterling per diem.

Remarks.

1. Established by the late Acting Governor.
2. Indispensable, the Correspondence being so greatly encreased.
3. The great encrease of duty in the Post Office Department made this addition to the Establishment indispensable.
4. Do.
5. Indispensable to carry on the Duties of the Department.
6. Necessary for the Instruction of the Female Children.
7. Necessary to carry on the Duties of his Office.
8. This was a remuneration made to the Revd. Mr. Wright who exclusive of performing Divine Service at Wynberg, performed an additional Service every Sabbath at Newlands to a large assemblage of Persons. This however has been discontinued since.
- 9 and 10. Altho' no remuneration is now made to a Clergyman, these appointments continue to be necessary, as Divine Service is regularly performed at Wynberg every Sunday.
11. For the Establishment of a School for Female Children which is well attended.
12. This is not an additional Minister, only a very necessary Encrease to the Salaries of the Two Senior Clergymen by dividing the Salaries of the Three on account of their great Inadequacy amongst the Two who remained after the death of the Revd. Mr. Fleck; the addition therefore is the Salary of the Junior Minister only, £187 10s. per annum, very insufficient for the Expences attendant on his residence at the Capital.
13. Indispensable so soon as Church Service was permanently established there.
14. The Secretary's Duties being similar to those of a Secretary to a Deputy Drostdy, it was found necessary to appoint an Officer of that Description to this Residency, and at the same Salary (only £75 per annum), by which the Clerkship (Rds. 600) was abolished.
15. Authorized by the Acting Governor from the representation hereunto annexed.
16. Necessary for the Police of the Place, which is much disturbed by Sailors, &c.

17. Deputed to keep up a friendly intercourse between the Government and the Griquas and to conduce to their Civilization.

18. Necessary for the Police of the Place, an English Population being located there.

19. Indispensable for carrying on the Duties.

20 to 25. Established by the Acting Governor.

26. Necessary for the encreasing duties.

27. Established by the Acting Governor.

28. Necessary for the Police of the Place.

29. Authorized on the representation of the Government Resident there.

30. Established by the Acting Governor.

	Date of Commence- ment.	Annual Expende.
ESTABLISHMENT OF POSTS.		
1. Between Tulbagh and Worcester	15 February 1822	<i>Rds.</i> 576
Graham's Town and Bathurst	1 January 1822 .	252
Graaff Reinet and Graham's Town	1 September 1822	1,944
at 1944 <i>Rds.</i> per annum the Post Establishment between Graaff Reinet, Uitenhage, and Cradock, the expense of which amounting to <i>Rds.</i> 1,548 per annum being at the same time reduced		
Between Uitenhage and Port Elizabeth	1 February 1822 .	432
Between Graham's Town and Cradock	13 July 1822 .	1,056
PENSIONERS.		
2. J. H. Fischer, Esq., late Landdrost of Tulbagh	4 January 1822 .	2,000
3. O. M. Bergh, Esq., late Deputy Landdrost of Clanwilliam	1 December 1821 .	1,200
INCREASES TO SALARIES.		
1. Mr. Crowcher, Superintendent of the Government Gardens	1 January 1822 .	from 700 to 940 <i>Rds.</i> p. an.
2. Robert Green, Overseer at Newlands	1 January 1822 .	3 <i>shillings</i> a day to 600 <i>Rds.</i> per ann.
3. H. Hardwater, Waggon Driver on the Colonial Works	1 January 1822 .	from 144 to 300 <i>Rds.</i>

—	Date of Commence- ment.	Annual Expende.
INCREASES TO SALARIES.— <i>contd.</i>		
4. An Encrease to the Salaries of the Constables at Stellenbosch	15 November 1821	from 5 to 10 <i>Rds.</i> per mensem.
5. An encrease of allowance to the Post Holders in the Uitenhage District	17 April 1822	. from 6 to 9 per month per hour
6. An encrease of do. to D. Du Toit and R. G. Campher in the George District	1 April 1822	. from 288 to 600 per annum.
7. An encrease in the salary of the 1st clerk to the Landdrost of Worcester	23 May 1822	. from 300 to 600
8. An encrease in the Salary of the Pressman in the printing Department	24 May 1821	. from 840 to 1200

Remarks.

ESTABLISHMENT OF POSTS.

1. The encrease of correspondence rendered this Establishment indispensable. The receipts of the Post Office increase in proportion.

The necessity for these appointments was represented by the local authorities.

PENSIONERS.

1. Mr. Fischer was totally incapacitated from age and feeble Health for the performance of any Official duties, and therefore retired upon the usual pension.

2. By the Acting Governor.

INCREASES TO SALARIES.

1. It was found that this man could obtain this salary from private Individuals, and it would be impossible for the Government to be properly served unless the Servants of this Description were paid as those of private Individuals are. The Government has since made a reduction in this Establishment.

2. This Salary is somewhat less than the former one of 3 Shillings Sterling per day, but it was thought advisable to fix it in currency, as all the other Salaries on this Establishment are paid in currency. Reduced from £54 12s. to £45 per annum.

3. Same remark as No. 1. Since discontinued.

4. Established by the Acting Governor.

5 and 6. In consequence of the former allowance not being adequate, the increased correspondence requiring an additional horse, and the service being a compulsory one. The revenue to the Post Office increases in proportion.

7. It being impossible to find any person competent for a less Salary, only £45 per annum.

8. This man was engaged by Mr. Courtenay in England under the Secretary of State's authority for the purpose of superintending the working of the Stanhope Presses. His former Salary being considered quite inadequate.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 2 in the above.]

POST OFFICE, *April 13, 1822.*

SIR,—Though I am reluctantly compelled, yet I feel it essential to this office, to represent to you the inadequacy of the present assistance to perform the much augmented duty of this Department.

It is far from my Intention to ask further aid, or to entertain the most distant wish of adding any more expense, but the increase of correspondence, both Inland and Foreign, has been so rapid, that in order to carry on the duty with satisfaction to my feelings and despatch to the Public, an additional Clerk and Letter carrier are indispensably necessary.

When you are pleased to submit this requisition for the consideration of His Excellency the Governor, it may perhaps lead to an enquiry how a supplementary Clerk and letter carrier are to be occupied. I beg therefore to make some explanatory remarks. In the first place it will give sufficient employment to one, to receive the Postage, and enter the letters, and the other will have equal work to keep up the Post Office Books during official time, but upon the arrival of a Ship mail, which is delivered at seasonable hours, without any fixed time, all our strength is required to answer the frequent calls, and to satisfy the impatience of an anxious public.

The duty of the third letter carrier will be, occasionally to assist in the delivery of letters, and to remain as much as possible in the office, so that I can have a person at my disposal for the purpose of making the necessary inquiries respecting the departure of the numerous vessels which touch at, and sail from the Ports of this Colony, as well as other matters closely connected with this office and the Community.

I have &c.

(Signed) R. CROZIER.

Lieut. Col. Bird, Colonial Secretary.

[Enclosure 3 in the above.]

OFFICE FOR THE ENREGISTERMENT OF SLAVES, 1 November 1821.

SIR,—I do myself the honor herewith to transmit a letter which I have this day received from Mr. Van Blommestein, the Functionary for this Department in the Stellenbosch District.

The statement made by Mr. Van Blommestein is a correct one, and I take the liberty to recommend his case for favourable consideration. I have &c.

(Signed) G. J. ROGERS, Inspector.

Colonel Bird, Colonial Secretary.

[Enclosure 4 in the above.]

OFFICE FOR THE ENREGISTERMENT OF SLAVES,
STELLENBOSCH, 23rd October 1821.

SIR,—I take the liberty (with reference to my letter of the 23rd July last) to request you will be pleased to favor me with the appointment of a Clerk to assist me in the duties of this Department. I beg leave to submit for your consideration that this District contains more Slaves than perhaps three or four of the other country Districts taken together, consequently the transactions at this office heightened to such an extent, that I have been necessitated ever since my appointment as Functionary to this Department to devote a part of

my Salary for the payment of one of the Clerks in the Secretary's office at this place to render me assistance in the execution of my duties ; you will further be pleased to consider that the revenues of Government from this Establishment have been very considerable, and as it appears from the records here that the Fees, up to the end of September last, have amounted to Rds. 8,689
and for Stamps used for transfers 7,240

Making a Total of Rds. 15,929

from which being deducted my Salary for the said period, being Rds. 2,708, leaves a clear surplus in favor of Government of Rds. 13,221, or almost Forty Thousand Guilders.

I therefore request you will kindly have the goodness, to use your influence, that a Clerk may be appointed for my assistance, with such a Salary as you may think adequate, and as Mr. J. G. G. Lindenberg (the 1st Clerk in the Secretary's Office at this place) has hitherto been employed by me in this Department and keeps the registers under my Superintendence, I will esteem it a personal favor to me, if he may be favoured with the situation of Clerk. I have &c.

(Signed) P. C. VAN BLOMMESTEIN.

G. J. Rogers, Esqre.,
Inspector for the Enregisterment of Slaves,
Cape Town.

[Enclosure 5 in the above.]

PORT ELIZABETH, *February 24th 1822.*

SIR,—I had the honor some time ago of writing you, requesting you would be pleased to submit for the consideration of His Excellency the Governor, an addition of two men to the Boats Crew at this station, being answered in the negative, I trust you will excuse me again troubling you on the subject, but the excessive hard duty four men have to perform, oblige me, and to hope you will obtain, His Excellency's sanction for one man being appointed, this will give four to pull and one to steer, when the small boat, which is excessively heavy is sent

out to bring in a vessel to her moorings or anchorage and that frequently against a strong contrary wind, a duty which requires experienced seamen, indeed I have only at this moment two, two of the men sick and much to do with the *Winifred*. I have &c.

(Signed) F. EVATT.

Colonel Bird, Colonial Secretary.

[Enclosure 6 in the above.]

AUDIT OFFICE, 12 August 1822.

SIR,—Having been under the necessity of employing a Temporary Clerk to prepare the Registers of the Land Revenue Office, and finding that in consequence of enlarged Instructions the business of this office is daily encreasing, I have to request you will obtain His Excellency the Governor's Sanction for appointing Mr. J. T. Eckhardt (whose temporary assistance has enabled him to give proofs of his diligence and attention) a permanent Clerk in this department with such a Salary as His Excellency may be pleased to fix. I have &c.

(Signed) WALTER BENTINCK.

C. Bird, Esqre., Colonial Secretary.

[Enclosure 7 in the above.]

WORCESTER, 30th January 1823.

SIR,—The Auditor General having required an authority for retaining the Under Sheriff, two white and two Black Constables at Tulbagh, may I request you will represent to His Excellency the Governor the necessity that appears to me of retaining these Functionaries for the purpose of Assisting the Special Heemraad in maintaining good order at Tulbagh, and that I hope His Excellency will be pleased to give authority for their being continued upon the usual quarterly pay list.

I have &c.

(Signed) C. TRAPPES.

C. Bird, Esqre., Colonial Secretary.

[Enclosure 8 in the above.]

Extract of a letter from R. CROZIER, ESQRE., Post Master General, to C. BIRD, ESQRE., Colonial Secretary, dated 14 May 1823.

His Excellency the Governor having at all times been pleased to sanction any measures which could possibly tend to facilitate the transmission of the different mails, I therefore submit for His Lordship's consideration the Establishment of a Post Office at Somerset in order to give greater security and regularity to the correspondence of the Inhabitants of that neighbourhood. In case of His Excellency's approval of this proposal, I take the liberty to recommend Mr. De Vos as a fit person to act in the capacity of Post Master and to be requited for the trouble he may have with the Post Office (which for the present cannot be very great) with One hundred Rixdollars per annum, in addition to what he now receives as Post holder, his allowances as such having been also increased.

A true Extract.

(Signed) P. G. BRINK.

[Enclosure 9 in the above.]

GRAAFF REINET, *February 27, 1823.*

SIR,—The too great extent of the Division Nieuwveld for the Superintendence of one Field Cornet having been represented by the Field Cornet of that Division supported by the Deputy Landdrost of Beaufort who proposes its being divided into two, and recommends Gerhardus Petrus Marais as Field-cornet, I am from a conviction of the necessity of this measure induced to beg of you to lay the same before His Excellency the Governor for His Approval.

(Signed) A. STOCKENSTROM.

Lieut. Colonel Bird, Colonial Secretary.

[Enclosure 10 in the above.]

GRAAFF REINET, *January 23rd 1823.*

SIR,—I beg leave to inclose Copies of Applications from the Deputy Landdrost and Secretary of Beaufort to be allowed a

Clerk at the Office of the latter ; a Similar Application having been verbally made by the Secretary of Cradock.

I have &c.

(Signed) A. STOCKENSTROM.

Lieut. Colonel Bird, Colonial Secretary.

[Enclosure 11 in the above.]

GRAAFF REINET, *February 27th 1823.*

SIR,—Referring to your letter of the 6th Instant, Conveying His Excellency the Governor's Approval of the appointment of a Clerk to the Secretary's Office at Beaufort, I beg leave to suggest whether it would not be just to extend the same indulgence to the Secretary of Cradock who to my knowledge from the accumulation of Business will otherwise be obliged to employ a Clerk at his own expence. I have &c.

(Signed) A. STOCKENSTROM.

Lieut. Colonel Bird, Colonial Secretary.

[Enclosure 12 in the above.]

Extract of a Letter from the Deputy Landdrost at Beaufort, dated 17th October 1822, to the Colonial Secretary.

SIR,—I beg leave to submit for His Excellency the Governor's Information and Consideration a Copy of a Letter this day received from Mr. Melvill Government Agent at Griqua Town and bearing date 12th September.

From such illicit proceedings as therein stated, permit me to recommend that measures be adopted to suppress the same, and to add that it would be commendable that a monthly post be established to and from Griqua Town in order to secure good order, as well as a regular communication with that Quarter, the expense attending such would not exceed One Thousand Rixdollars per Annum.

A true Extract.

(Signed) P. G. BRINK,
Asst. Secy. to Govt.

[Enclosure 13 in the above.]

COLLECTOR OF TITHES AND TRANSFER DUES OFFICE,
13th August 1823.

SIR,—The collecting Clerk of Tithes H. Buck having represented to me the impossibility of his discharging the duties of his office with the punctuality which is expected, and of preventing frauds being committed in the payment of Tithes, has requested that some person may be appointed to assist him in the collection of this branch of the Colonial Revenue, and as I am convinced of the propriety of his representations, I take the liberty of requesting that His Excellency the Governor may be pleased to appoint a young man who can write the English and Dutch Languages, with a moderate Salary, and should His Excellency be pleased to comply with my request, I beg to recommend young Hopley for this Situation.

I have &c.

(Signed) W. J. KLERCK, Coll. of Tithes.

C. Bird, Esqre., Colonial Secretary.

[Enclosure 14 in the above.]

COLLECTOR OF TITHES AND TRANSFER DUES OFFICE,
22 September 1823.

SIR,—I beg leave to request that you will be pleased to apply to His Excellency the Governor for his sanction to employ another Overseer at Buck Bay, for which I beg leave to take the liberty of recommending Jacob Kuho. I likewise request you will be pleased to procure His Excellency's Sanction to purchase for Buck Bay twelve oxen and six hundred lime bags. I have &c.

(Signed) W. J. KLERCK.

C. Bird, Esqre., Colonial Secretary.

[Enclosure 15 in the above.]

GEORGE TOWN, 23rd October 1822.

SIR,—E. E. Meyer Postholder at Gaurits River in this District, having in consequence of Van Wyk being appointed Postholder, in room of Jan la Grange, Two additional hours to forward the Post in the Swellendam District, I therefore humbly beg leave to request that said Meyer's Salary may be encreased to Rds. 30 per month ; he having applied to me for remuneration. I have &c.

(Signed) J. W. VAN DER RIET, Landdrost.

Colonel C. Bird, Colonial Secretary.

[Enclosure 16 in the above.]

CLAN WILLIAM, 26th December 1822.

SIR,—I beg leave to transmit the Copy of a letter addressed to me by the Under Sheriff in order that I should petition His Excellency the Governor on his behalf. I request you will lay the same before His Excellency provided it meets your approbation, as he is a young man whose Services I find very necessary for the preservation of good order. I have &c.

(Signed) WALTER SYNNOT.

Lieut. Colonel Bird, Colonial Secretary.

[Enclosure 17 in the above.]

CLAN WILLIAM, 24th December 1822.

SIR,—I beg leave to represent to You the insufficiency of my salary to support and Clothe myself in a manner Suitable to the respectable appearance I am desirous to maintain, my exact pay is but Rds. 240 a Year without any allowance for Subsistence or clothing ; whilst the pay and allowances of a White Constable is Rds. 276 and Clothes.

The advantages I enjoy exclusive of my pay are very considerable, and was it not that you have given me Subsistence Gratuitously since my appointment, I could not clothe myself with propriety ; I humbly request that if you consider my

demand reasonable you will lay the same before the Colonial Secretary in order that I may be placed on the same Establishment as other Under Sheriffs in this Colony. I am &c.

(Signed) ROBERT COWSERT.

Walter Synnot, Esqre., Deputy Landdrost.

[Enclosure 18 in the above.]

PORT OFFICE, 6th February 1823.

SIR,—I take the liberty to enclose a Letter received from C. Nelson at Mossel Bay, who was formerly acting pilot at the Knysna, for your opinion thereon, and if such a liberty can be granted, having no doubt but their pay can only be but a very bare existence. I have also to make known to You that our Boatmen here has long been very clamorous with me about an increase of Five Dollars per Month to their Salaries and I have the same complaints from the harbour Master at Simons Town saying that his Men are perpetually in the same way, and can assure you if I did not advance them liberally in a private way, should have great difficulty to keep them together. I have &c.

(Signed) WM. BRIDEKIRK, Dy. pt. captain.

Lt. Colonel Bird.

[Enclosure 19 in the above.]

SECRETARY'S OFFICE, STELLENBOSCH, the 2nd December 1822.

MY LORD,—The Field Cornet of Hottentot's Holland, H. R. de Vos, has been charged with the conveyance of Government's Dispatches from the Interior to Cape Town, and from Hottentot's Holland to Overbergen, for the space of Eight Years, for which he yearly receives out of the Government's Treasury (according to a Tariff dated 4th October 1811, that was sent to the former Landdrost Van Andringa Esquire, in a Letter from Government under date of the 7th August 1812) something more than Eight Hundred Rix Dollars, which amount is not always the same, such being regulated agreeable to the number of journies whether many or few performed. And as the said Field Cornet has addressed himself to us, in order to

obtain some increase in pay for these Services, as appears in the accompanying Copy of a Letter, which we take the liberty to send herewith, and we therefore cannot but propose his petition in a favourable manner to your Excellency.

We have &c.

(Signed)	D. J. VAN RYNEVELD, Landdrost.	} Heemraden.
	F. C. FAURE,	
	AREND BRINK,	
	F. R. L. NEETHLING,	

His Excellency the Right Honorable
General Lord Charles Henry Somerset.

[Enclosure 20 in the above.]

LANDDROST'S OFFICE, 5 May 1823.

SIR,—I have the honor to represent that the Salary of 25 Rds. per month, allowed to the Policemen of the Cape District, is so very small that they cannot subsist, having to pay out of it for their lodgings, whereas in Cape Town and Simons Town, as well as in the other Drostdies, they are lodged in Government Buildings, and as these men have repeatedly complained to me on the subject, I now take the liberty of requesting that it may please his Excellency to take their Situation into consideration and to grant them the same Salary which is now drawn by the men attached to the Department of His Majesty's Fiscal and the Resident at Simons Town.

I have &c.

(Signed) J. W. STOLL.

Lieut. Colonel Bird, Colonial Secretary.

[Enclosure 21 in the above.]

*Extract of a Letter from the POSTMASTER GENERAL to the
COLONIAL SECRETARY, dated 24 May 1823.*

SIR,—I have the honour to acknowledge the Receipt of your Letter of the 13th Instant, giving cover to the Copy of a recommendation from the Landdrost of George in behalf of

the Postholders Messrs. Zondagh, S. and P. H. Ferreira, who for the reasons set forth in their letter to him of the 22nd of April, (a copy of which I have also received) have made application for an encreased allowance for carrying the Mail to and from Cape Town.

In reply I beg to state, for the Information of His Excellency the Governor, that the mails transmitted from this office by the Eastern Post route have been lately considerably enlarged, and it often happens the Mail is so heavy, especially after the arrival of a Mail from England, that one Horse is quite unequal to carry it and the Post boy together, consequently two Horses must be provided for its conveyance, which is now the principal cause of the complaint of the Postholders on account of the inadequacy of their present salary to the Expenses which they necessarily incur in the furtherance of this useful branch of the Public Service.

After having inquired into the circumstances of the complaint and every other thing connected therewith, it appears to me that they are fairly and justly entitled to a further remuneration of one third more than they receive at present, with the exception of those who were granted an augmentation, particularly in the District of Uitenhage, where the encrease was general, and in the District of George merely to Messrs. Meyer, Du Toit, and Campher.

A true Extract.

(Signed) P. G. BRINK,
Asst. Secy. to Government.

[Enclosure 22 in the above.]

POST OFFICE, 21st October 1823.

SIR,—I have the honor to acknowledge the receipt of your letter of the 10th Instant enclosing the Copy of a Memorial from Mrs. Alcock the Postmistress at Uitenhage, praying that His Excellency the Governor would reconsider her application and direct further remuneration to be given her for the encreased duty of her situation.

In reply I beg to state that, in my opinion the Memorialist

has a claim to an augmentation of income which solely rests upon what is set forth in her memorial, and as the country Post Offices are chiefly filled by Persons holding another Situation under Government, which is not the case with Memorialist, I therefore consider an addition of Three Hundred Rixdollars to her present Salary a fair remuneration for the Services performed. I have &c.

(Signed) R. CROZIER.

Lieut. Col. Bird, Colonial Secretary.

[Enclosure 23 in the above.]

POST OFFICE, 13th October 1823.

SIR,—In consequence of William Thorp a letter carrier belonging to this Department having vacated his Situation for one of greater emolument in the Town Prison, I beg to recommend P. Burns to be a Junior letter Carrier to this office.

Owing to the many changes which have lately taken place either by the removal of men of good conduct to more advantageous employments, as was the case with Thorp, or from other causes, I find great difficulty in securing the Services of sober honest men, whose duty becomes daily more laborious, and often at unseasonable hours.

They invariably complain of the inadequacy of their present salary (Forty Rixdrs. per mensem) to their Support. I therefore avail myself of this opportunity to submit their case for the consideration of His Excellency the Governor and I beg to propose, that the Three Letter Carriers be in future divided into three classes, the first to receive Fifty Rixdollars, the Second Forty Seven Rixdollars and a half, and the Third Forty Five Rixds. per month. By this arrangement encouragement will be held out to the Second and Third classes for promotion in case the Senior letter Carrier is removed from his office.

I trust His Excellency will believe that in this proposal, I am alone actuated by a sense of duty to persons filling situations of labour and responsibility, and much depends upon their

exertions for that prompt delivery of Foreign and Inland Mails which is so anxiously looked for by the community.

I have &c.

(Signed) Rt. CROZIER.

Lieut. Col. C. Bird, Colonial Secretary.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 12th July 1825.

SIR,—I have received the directions of Earl Bathurst to acquaint you, with reference to the letter which you addressed to Mr. Wilmot Horton dated 7th Inst., that his Lordship is not prepared to reverse the sentence of the 10th August 1824 by which you were banished from the Cape of Good Hope, and that he cannot therefore feel himself justified in authorizing your return to that Colony under any conditions whatever at the present moment.

You are already aware that your Memorial has been transmitted to the Cape Commissioners, and you have been acquainted that until their report shall have been received no steps can with propriety be taken in your case. To this I have only to add that your Petition to the House of Commons has been since forwarded to the Commissioners at the Cape, and that if you have any other complaints to make against Lord C. Somerset, on your transmitting them to me they will be forwarded to the Commissioners also. I am &c.

(Signed) R. W. HAY.

[Copy.]

*Letter from the Landdrost of Worcester to the Secretary
to Government.*

LANDDROST'S OFFICE, WORCESTER, 12 July 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 8th Inst. giving cover to an extract of a memorial addressed by Benjamin Wilmot to His Majesty's Secretary of State for the Colonial Department, and directing me to furnish you for His Excellency's Information with such explanations of the circumstances therein stated as I may have it in my power to offer. I perfectly remember that two Individuals named Wilmot were of the Party of Settlers brought to this Colony by Mr. Willson, and that they were located as described by memorialist by order of His Excellency Sir Rufane Donkin, that Mr. Willson immediately abandoned the party, and the Revd. William Boardman took charge, that subsequently Mr. Boardman made a division of the Location, and as the River only extended a short distance was obliged to allot small frontages to the allotments in order that each might have the advantage of Water, and which extended a considerable distance to the rear, but these interior arrangements formed no part of my duty so long as the parties agreed amongst themselves ; and I do not recollect any complaints of Injustice in the division. I cannot at this time recollect any particular conversation with the Messrs. Wilmot on the confined state of their allotments, but it is possible that I might have said that numbers would in all probability quit the Location, being Mechanics and unaccustomed to agriculture, and that then their state might be ameliorated. I also recollect that the Messrs. Wilmot had some hired Servants, some of whom lodged complaints at my office whilst provisional Magistrate in Albany, but at this distance of time, being about five years ago, it is impossible for me to state the subject ; to the best of my recollection that once or twice after examining the cause of complaint the Servants were reconciled with their Masters and returned to their Service, but what became of them finally, it is impossible for me to state. To the best of my belief they deserted. I must here beg leave to remark

that a great part of my duty was to settle disputes between Masters and Servants, and had I made any decision that either of the parties thought unjust, I invariably informed them of the Mode of Appeal as laid down in the Crown Trial. His Excellency the Acting Governor was at Bathurst at the time I was removed from the Provisional Magistracy in June 1821, and then directed me to collect the most respectable of the Settlers in the Vicinity, and most probably the Wilmots were there, on the occasion of signing an address of thanks to His Majesty's Government for the care that had been taken to provide for their wants in that time of scarcity when their crops had failed, and had the Wilmots considered that they had just cause of complaint, they had then a most convenient opportunity to do so, as the Acting Governor took every opportunity to enquire of the Settlers if my decisions and mode of conducting the Magistracy were satisfactory, and His Excellency on his return to Graham's Town passed through Mr. Willson's location, attended by his Secretary Mr. C. Truter, and after all these opportunities it appears strange that this complaint should only be promulgated on the 14 April 1825 when the circumstance (should it have happened) must have been in 1820 and must appear in my Journal which was given over to Major Jones, on his appointment to the District of Albany. I have only to add my request that His Excellency the Governor will be pleased to peruse the copy of a letter addressed to me, written by the Acting Governor, which will shew how he appreciated my Services at the time of my removal. I have &c.

(Signed) C. TRAPPES.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 13th July 1825.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Dispatch No. 166, under date 30th of April last, signifying to me His Majesty's pleasure that on an Esti-

mate and Plan of the proposed Scottish Church being submitted to and approved of by me, I should be authorised to assign for that purpose a sum equal to One Third of what may be the Amount of such Estimate, and further that His Majesty has been pleased to assign to the officiating Minister of such Church the sum of One Hundred Pounds per annum, in addition to what may be given by the Institution.

In conveying to Your Lordship the thanks and sense of obligation of the Scottish Community in this Colony for the liberal Intentions of His Majesty's Government in their regard, I have to express my hope that I am to be authorised to draw for the amount of this expence on the Lords Commissioners of His Majesty's Treasury. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 14th July 1825.

MY LORD,—In the Despatch which I had the honor to address to Your Lordship under date the 27th December last, I transmitted an explanatory Statement of my reasons for having drawn upon England for a portion of the One Hundred and Twenty five thousand Pounds Sterling, which through Your Lordship's intercession was placed at my disposal by the Lords Commissioners of His Majesty's Treasury in the latter end of 1822, as well as of the grounds which led me to delay the drawing of any part of that Sum until some time after the authority was received.

In that explanatory Statement I noticed to Your Lordship that no Money had hitherto been drawn of the Twenty five thousand Pounds Sterling granted for the repairs of Government Buildings, Bridges, Roads, etc., although large Sums had necessarily been expended in anticipation thereof, and I farther added a List of buildings that absolutely called for repair, and for which it would not be possible for me to avoid

drawing, as well as of those for which heavy Expenses had already unavoidably been incurred.

The disappointment (or I rather should say disapproval) which it appeared to me Your Lordship expressed in consequence of my having drawn for Thirty Five thousand Pounds Sterling out of the One hundred and twenty five thousand Pounds above alluded to, has made me unwilling to recur again to that measure without a previous reference to Your Lordship.

The heavy expenses however which have already been incurred as above alluded to beyond the means of the Colonial Resources to defray, have so largely accumulated that the adoption of some measure in aid of the Revenue has become imperative, in order to meet the outstanding Accounts. The most advantageous which presented itself was a Loan from the East India Company's Agent, out of their funds deposited in the Bank, which I have accepted to the amount of Two hundred and fifty thousand Rixdollars or Eighteen thousand Seven hundred and Fifty Pounds Sterling bearing an Interest of only Four per Cent per annum, the legal Interest of the Colony being Six per cent.

I feel it however my duty to state to Your Lordship that although this Loan will extricate us from our present temporary difficulties I cannot hold out to Your Lordship any prospect of the Revenues of this Colony being equal to defray the expenses of its Establishment.

In a despatch addressed by Your Lordship to my Predecessor Lord Howden, dated the 9th October 1813, Your Lordship authorized the Governor of this Colony to draw an annual Sum from the British Treasury of Five thousand Pounds Sterling in aid of the Revenues of this Settlement. During a period of upwards of Eleven years I have felt great satisfaction in having been able to administer the Government without availing myself of that authority, but within the last three years a great and serious change has taken place.

On the one hand we have been burthened with a variety of Extra charges arising from the Establishment of the Settlers in Albany and the very large additions to the Church and School Establishments, Pensions, &c., as are more fully detailed in the annexed Enclosure No. 1.

On the other hand our Revenues have decreased and our Commerce has fallen off, a comparative Statement of the Customs (enclosed No. 2) will shew Your Lordship the falling off in that Branch of our Revenue, which arises principally from the strong antipathy that exists on the part of the East India Company as well as on that of the persons concerned in the shipping Interests at Lloyds to allow of Vessels touching at the Cape, and which has occasioned a most serious alteration in the prospects of this Colony. There has also been a great defalcation in the Land Revenues owing to the severe visitations with which the Agriculturists have been afflicted. At the same time that the Wine Growers can at present scarcely find any Market for their produce, and from the measures which have lately been adopted in England to facilitate the Introduction of French and other Foreign Wines, it is not likely that their prospects will brighten.

In regard to Public Buildings too, although I am aware that very heavy expences have been incurred under this Head, and particularly in the Repairs thereof, which from the excessive price of labour, the bad quality of the Materials procurable here, and the periodical heavy Rains, entail a constant and ruinous Expenditure on the Colony, still I cannot hold out to Your Lordship that similar charges will not be necessary in future, as the Public Prison and Hospital in this Town are nearly uninhabitable.

Under these concurrent circumstances, and seeing little prospect of improvement in the Revenue (unless indeed a War were to break out, which would entirely change the circumstances of the Colony), I am induced to press upon Your Lordship the expediency of relieving the Colony from the payment of the Cape Corps. The eminently useful Services of this Corps induce me to say that it could not be dispensed with under any circumstances, more particularly the Cavalry Portion of it, without seriously endangering the safety of the Colony and the lives and Property of the English Settlers, the innate habits of the Hottentot and his Tact in detecting the wily cunning of the Kaffer render him much more available than a European for that peculiar and very harassing Service.

Should Your Lordship not deem it expedient to recommend the defraying the whole Expenditure of the Corps from the

Military Chest I think I might venture to say that if the subsistence and fixed Establishment of the Corps were defrayed by it, the Colonial Revenue would be adequate to meet the extraordinary Services of the Corps. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Statement of Extra charges borne by the Treasury of the Cape of Good Hope, arising from the Establishment of the Settlers in Albany and the additions to the Civil Establishment of the Colony.

	Rds.	sk.	st.	Rds.	sk.	st.
Amount of Expenditure incurred on account of the Settlers since their arrival in 1820 up to 31 May 1824 as detailed in the Statement transmitted to Earl Bathurst on 27 December 1824				403,135	1	0½

Payments since made between May 1824 and 30 June 1825 :

For surveys of Land effected in the Albany District	6,404	0	3			
For Expenditure of Office and other contingent Expenses connected with the Government of the Settlers	2,606	1	1			
For the erection of Buildings and construction of Roads	32,412	5	4			
For the Establishment of a Port at the Kowie and the purchase and repairs of Boats, &c.	14,926	2	4	56,349	2	0
Total Expenditure on account of the Settlers	Rds. 549,484	3	0½			

Independent of which the following charges for the administration of the Albany District and the support of the Establishments formed in that Province are annually defrayed by the Colony, viz.

The Landdrost's Department at Graham's Town	21,766	5	2			
The Clerical Establishment in Albany	9,077	6	0			
The Harbour Master's Establishment at the Kowie	7,260	0	0			
The Resident's Do. at Do.	2,400	0	0			
Custom House Officer at Do.	1,000	0	0			
Maintenance of the Crew at Do.	3,500	0	0	45,004	3	2

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Brought forward	594,488	6	2 $\frac{1}{4}$			

SCHOOL ESTABLISHMENT.

Annual Expende of the English Teachers who came to the Colony under the sanction of the British Government	9,635	0	0			
To the Revd. E. Judge, Master of the Grammar School. . . . £600 or	7,800	0	0	17,435	0	0

SALARIES.

The Clerk of the Council £800	10,400	0	0			
Pension to Lieutenant Colonel Bird, late Colonial Secretary, £800	10,400	0	0			

CONTINGENT CHARGE.

Purchase Money of the Grammar School	26,666	5	2			
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Total Amount of Extra Charges incurred and borne annually	<i>Rds.</i> 659,390	3	4 $\frac{1}{4}$			
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[Enclosure 2 in the above.]

Comparative Statement of the Customs levied in the Colony of the Cape of Good Hope, exhibiting the sources from which the Duties under that Head of Revenue are derived for the years 1822, 1823, and 1824, and the half year ending 30th June 1825.

Period.	Import Dues.	Fees.	Duties on Goods sold by the East India Company.	Duties on Store Rent on Bonded Goods.	Wharfage.
1822	262,243 7	8,206 4	22,718 6	23,163 6	20,607 5
1823	223,654 5	7,631 4	25,580 7	14,071 1	19,153 6
1824	217,292 0	6,630 0	25,243 6	24,470 5	19,169 0
$\frac{1}{2}$ 1825	90,147 1	2,823 0	10,827 3	15,161 5	9,677 6

TOTAL.

1822	<i>Rds.</i> 336,940	4	
1823	290,091	7	
1824	292,805	3	
1825 (To 30th June)	128,636	7	

[Copy.]

Letter from R. W. HAY, ESQRE., to MR. JOHN CARNALL.

DOWNING STREET, 15th July 1825.

SIR,—I have laid before Earl Bathurst your letter to Mr. Horton of the 2nd instant, and I am directed to inform you in reply, that it is not in his Lordship's power to give you his permission to return to the Cape of Good Hope. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from SIR JOHN TRUTER to LORD CHARLES SOMERSET.

CAPE TOWN, July 15th 1825.

MY LORD,—With regard to the conversation, which passed in my presence, between your Excellency and Mr. Pringle in the month of May of last year, relative to his literary journal, I beg leave, in compliance with your Excellency's desire, as far as my recollection serves me, to state, that when on an ordinary day of business, I had the honor of waiting on your Excellency, and was about to leave the room, your Excellency requested me to stay, in order to be present at an explanation which you intended to have with Mr. Pringle, relative to his literary journal, which your Excellency had been informed he had asserted he should discontinue, in consequence of some interference of His Majesty's Fiscal.

That shortly after Mr. Pringle having made his appearance, your Excellency told him, that you wished to speak to him, in consequence of the Fiscal having reported that he intended to relinquish the publication of his Journal after what had happened to Mr. Greig, your Excellency then explained to him the conditions upon which he had himself proposed and promised his Journal should be conducted, and pointed out some paragraphs in the same, relating to the causes of the failure of the Settlement in Albany, which your Excellency

considered as a censure passed upon the acts of Government, and contrary to those conditions ; adding that there was no objection to Mr. Pringle's continuing his journal, provided he abstained from exposing the public administration of the Colony, or words to that effect. At the same time calling to Mr. Pringle's recollection some favors conferred on him and his Brother, consisting with respect to the latter, in the grant of a considerable tract of Land.

That upon this explanation Mr. Pringle disclaimed any intention of giving offence to Government by what was inserted in his Journal, and added, that he was not aware of having been unmindful of the favors conferred on him by your Excellency.

That your Excellency then observed, that Mr. Pringle had signed a Memorial against the Colonial Government, which as a public Servant, your Excellency considered as indecorous, without a previous communication with the Government, to which Mr. Pringle replied, that as a British subject he thought himself at liberty to sign petitions, and that if his situation as Sub-Librarian stood in the way of such liberty, he would rather give it up ; without however positively declaring that he intended to resign.

The whole of this conversation passed in a decorous manner, and left no impression on my mind, in the least affecting Mr. Pringle's Character. No upbraiding or reprehending in a severe and insulting manner has taken place, on the contrary your Excellency's object in speaking to Mr. Pringle appeared to be, to impress upon him, that it was your wish that his Journal should not be discontinued, provided he observed the restrictions under which it had been undertaken ; in addition to which your Excellency expressly stated, that the Fiscal had no order or authority from your Excellency, to call on Mr. Pringle on account of his Journal.

Another paragraph in Mr. Pringle's Memorial has attracted my attention, namely that in which he makes the following assertion :

“ In the course of a few months, however, after His Excellency had openly denounced myself and my Coadjutor Mr. Fairbairn as ‘ obnoxious ’ and without any other intelligible cause, more than one half of our pupils, and these principally

the children and connections of persons dependent on the Colonial Government, were gradually withdrawn from our School."

To this paragraph I feel it in justice both to your Excellency and myself incumbent on me to state, that I am one of the persons dependent on Government who withdrew my grandson from Mr. Pringle's School; but that so far from having been influenced by any authority, I have from regard for Mr. Pringle left my grandson under his tuition, until urged by his parents and Lady Truter not to sacrifice any longer the interest of my child to a feeling for Mr. Pringle, whose school was then known to be conducted in a very careless manner.

Besides being in the habit of confidential communication with your Excellency, if you had ever made any comment on Mr. Pringle's School, I think I should have heard something of it; but I do not recollect that your Excellency in any conversation even alluded to it. To which I feel no hesitation to add, that when I saw the above paragraph in Mr. Pringle's Memorial, the idea struck me as quite new; having never heard anything tending thereto before. I have &c.

(Signed) J. A. TRUTER.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. THOMAS WILLSON.

DOWNING STREET, 16 July 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 6th instant, and in reply to refer you to the former communications which you have received from this Department wherein his Lordship's decision was clearly expressed upon the merits of your claim to the Lands in the Colony of the Cape of Good Hope.

With respect to your application for a Copy of the General Memorandum, it not being the practice of this Office to furnish Individuals with such Copies, his Lordship is prevented from complying with your request. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to* R. WILMOT
HORTON, ESQRE.

CAPE TOWN, 17 July 1825.

SIR,—We have had the honor to receive in duplicate your letter of the 19th January 1825 informing us of a Claim that had been made by Captain Duckenfield of the Madras Cavalry to be indemnified for his travelling expenses from Portsmouth to London, and communicating the instructions of Earl Bathurst respecting the mode in future to be observed in the transmission of our Despatches.

We beg leave to express our regret that such a claim should have been made, and to convey our assurance to Earl Bathurst that we should not have failed to make the communication now directed had we proposed to recommend such a charge.

Captain Duckenfield having explained his intention of proceeding to London immediately after his arrival in England, we did not hesitate to accept his offer of carrying the Despatches with him, under the impression that it would tend to insure an early delivery of them at the Colonial Office without interfering with the arrangements which that officer had proposed to make with a view to his own convenience.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 18 July 1825.

MY LORD,—I have had the honor to receive Your Lordship's Despatch of the 28th February 1825 covering Copy of a Note which had been addressed to His Majesty's Chargé d'Affaires at Frankfort by the Minister plenipotentiary of Hohenzollern Sigmaringen soliciting that the Judicial Summons therein

enclosed be served upon the Widow of Joseph Maria de Frast or upon his legal representative. Having called upon His Majesty's Fiscal to act in conformity to your Lordship's directions as conveyed to me in the above Despatch I have the honor to transmit to you a Copy of his reply and the enclosures therein referred to, from which Your Lordship will perceive that the Summons in question has been duly served upon Messrs. Liesching, the Executors to the estate of the late Mrs. de Frast. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 18 July 1825.

MY LORD,—It has long been a subject of Regret that, in a British Colony whose natural products are capable of contributing more largely perhaps than any other portion of the Globe to promote the objects of natural History, no Establishment should be made for collecting and arranging the various objects of the Animal, Vegetable and Mineral Kingdoms which it contains. I have hitherto been prevented from suggesting for Your Lordship's sanction and approbation the forming of a Museum, from not having it in my power to submit at the same time the name of any Gentleman competent to conduct the undertaking, but there being a Gentleman here at present, Dr. Andrew Smith, M.D., whose science and enthusiastic ardor in the pursuit of Natural History fully qualify him for it, I have issued the enclosed notice (as a Government Advertisement in the Cape Town *Gazette*).

Dr. Andrew Smith has been for some time employed on the Frontier of this Settlement in the Military Medical Department and has lately been removed to Cape Town, and has for the present undertaken the superintendence of this Establishment without any compensation; but should he be ordered to Europe (which he expects) he will be compelled to retire on the half Pay, if he continues to conduct it. I trust therefore

that Your Lordship will authorize my giving him a Salary of Two Hundred Pounds Sterling per annum.

As I have appropriated two apartments in the public Library for the Museum, the expense of House Rent will be saved. I do not anticipate therefore any further disbursement on this account except that which may be necessary to remunerate persons for collecting and procuring objects of Curiosity and some occasional assistance in preparing them: these Expenses may be estimated to fluctuate from One Thousand to Two Thousand Rix Dollars per annum, or from Seventy Five Pounds to One Hundred and Fifty Pounds Sterling.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Landdrost of Swellendam to the Secretary to Government.

SWELLENDAM, 18 July 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 8th Instant transmitting an Extract from a Memorial addressed by Mr. Benjn. Wilmot to His Majesty's Secretary of State for the Colonial Department, and conveying the directions of His Excellency the Governor that I should furnish such explanations of the circumstances therein stated as I may have it in my power to offer, and I have the honor to reply to the several paragraphs of the extract as follows:

That Mr. Willson abandoned the party and never resided on the Location.

That Messrs. Wilmot continued to reside for upwards of three years and cultivated land, but I cannot state the extent from recollection.

That I recollect Messrs. Wilmot removing to the location of Mr. Morton in Grobbelaar's Kloof, but I cannot state the cause of their so doing, their Allotment of Land was situated in a spot much infested by Kaffers and adjacent to that at which

two children were killed, the Situation certainly exposed them to the depredations of the Kaffers.

The whole Location is deficient of water, but suffered greatly from the flood in October 1823, which very probably led me to say that the Memorialists could have any other Land that had not been already given away, but I do not recollect this circumstance nor their afterwards asking for a thousand Acres in the Grobbelaar's Kloof, or the half of a place called the Landdrost's Farm, near Bathurst, and I am also unacquainted with the answers given to these applications.

The Land in the Grobbelaar's Kloof must have been that appropriated to the grazing of the Cape Corps Horses, the Grant to Lieut. Crause was made out of the Lands intended for the Township of Bathurst, but which His Excellency the Governor did not think necessary to reserve for that purpose.

That with regard to Messrs. Wilmot obtaining a Title deed at the expiration of their three years Residence, I do not know the cause of their not receiving it, but I believe there was not any objection made by the Government to the issue, or to their claims thereto, and I am not aware of any persons holding four or five extensive places in the Zuureveld, some of which had been granted after they had disposed of prior grants for pecuniary considerations.

The number of oxen and cows taken by the Kaffers from the Memorialist can be seen in the Return in the Landdrost's Office, and Mr. Wilmot no doubt received his proportion of the recaptured cattle which were given out, but such a number as Seven Thousand Head were never at the Landdrost's disposal for that purpose. I have &c.

(Signed) HARRY RIVERS.

[Original.]

Letter from MR. THOMAS WILLSON to R. W. HAY, ESQRE.

STOCKWELL, 18 July 1825.

SIR,—It is impossible to convey an adequate expression of my feelings on receiving Earl Bathurst's two last communications ; it will perhaps be judicious that I omit to do so, but

his Lordship must excuse me for submitting myself now to the guidance of my parliamentary friends for a further discussion of my case : the cruel position in which I am placed by his Lordship will continue to embitter the remainder of my days, from the recollection that I have sustained nothing but excessive injury as the reward of the hardest service a British subject could possibly engage in, and that too from a quarter that I had ever been taught to revere as the fountain of truth and of good faith. Why am I plunged into a state of misery for confiding in the integrity of Earl Bathurst's project of Colonization ? Is it for presuming to urge my claim with manly perseverance, that my feelings have been assailed with unnecessary taunts and degradation ?

I find it is most essential that I should possess the printed "general memorandum," hence will be seen the motive of its detention by the Authorities at the Cape, together with other of my papers, from which it clearly appears it was premeditated I should be doomed to sustain a twofold oppression and persecution from the beginning to the end of my calamitous enterprise, for my temerity in engaging with such an allurements of his Lordship's, by which I lose upwards of Two thousand pounds Sterling, and the enormous waste of nearly six years of the very prime of my life ; how Earl Bathurst can reconcile this to his feelings or his principles, I am utterly at a loss to judge !

It is truly singular also that you inform me, with reference to *a copy* of the general memorandum, "it not being the practice, his Lordship is prevented from complying with my request," and this after Mr. Wilmot Horton proposed to my Solicitor in Downing Street that he might take a copy if needful, at the same time wishing me to understand that he was desirous I should not be put to any expence by communicating to me through such a medium : but Sir, as I find this document has become so very needful I am anxious to have it, be the expence what it may : as for the rest of our correspondence the public will be enabled to judge between us, the papers must speak for themselves.

In the case of Mr. Baillie, another Head of a party, very similarly circumstanced with myself, the worthy and honorable Landdrost of Uitenhage deemed it requisite for his personal

safety not only to release him from his party, but to make that Gentleman a respectable grant of Land (I understand four or five thousand acres) distant from his original location. I also understand that the Landdrost in so doing humanely considered his situation as the Head of a party in the compromise ; in so much that it could not be deemed an outrage to his feelings, or oppressive in its principle, to deviate from the first stipulation of a much larger grant ; on the contrary the Landdrost in every way anticipated the wishes of Mr. Baillie, the ultimate fate of whom, as a fellow sufferer, I sincerely deplore. What then awaited me, had not Heaven interposed the prompt decision which was my only protection ? but which also appears to have brought upon me the extraordinary vengeance of Earl Bathurst ! It is however, Sir, to be hoped that his Lordship will yet condescend to exercise a common humanity and his wonted mercy, by releasing me from the most goading oppression a Subject can possibly endure from the Government ! I have &c.

(Signed) THOS. WILLSON.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 19th July 1825.

MY LORD,—The receipt of your Lordship's despatches Nos. 130 and 132 of the 22nd November last having occasioned me to refer minutely to the accounts of this Government transmitted for the years 1818, 1819, 1822, and 1823, I perceive with deep concern and regret that in many instances there has occurred a very extraordinary and inexcusable omission by every augmentation of Expenditure in this Government which it became necessary to create not having been immediately reported to Your Lordship as it arose. I beg to apologize in the most ample terms for this omission, and trust Your Lordship will not attribute it to any want of respect or deference towards Your Lordship or to any wilful disobedience on my part of the Instructions of the Lords Commissioners of His Majesty's Treasury. Your Lordship will readily believe that the multi-

plicity of Business imposed on the Governor of this Colony must preclude him from having leisure to investigate the details of the Colonial Secretary's Office, and having given orders in the most positive terms that the Instructions of His Majesty's Treasury should be most rigidly and scrupulously attended to, I certainly relied upon those in charge of the details of that Office to bring before me from time to time any subject upon which it was necessary to report to Your Lordship, and still more in making up the Accounts to bring to my notice any formality required by the Treasury Instructions which had been omitted.

I do myself the honor to transmit to Your Lordship printed Regulations and forms which I have established, and for which I am chiefly indebted to Sir Richard Plasket, which I feel confident render it impracticable for any such omissions to recur in Items of contingent Expenses and particularly in the article of repairs to Government Buildings which in this climate, and with the very inferior Materials for Buildings to be obtained here occasion annually so heavy an Expenditure.

With the precautions now taken to ensure the most entire Regularity in this branch of Expenditure henceforward, I trust I may hope for Your Lordship's forgiveness of the irregularity which I have on former occasions been betrayed into, and that I shall be honored with Your Lordship's sanction of the Items of unfixed contingencies which I have been necessitated to authorize under the explanations given opposite to them.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST
upon the complaints of Messrs. Francis and Wilmot.*

CAPE TOWN, CAPE OF GOOD HOPE, 19th July 1825.

MY LORD,—We have had the Honor to receive Your Lordship's Despatch dated the 28th April 1825, enclosing Copies of Representations that had been made to your Lordship

by Messrs. Pringle, D. P. Francis, and Benjamin Wilmot, and desiring that we would transmit to your Lordship a Report on the truth of those parts of their Statements upon which Claims were founded to the consideration of His Majesty's Government.

Respecting the representations of Mr. Pringle, we beg leave to acquaint your Lordship that they were submitted to us by him previously to their transmission ; but in manifesting our readiness to receive his communications, we abstained from giving him any reason to suppose that we should proceed to investigate the grounds of his Complaints. As Mr. Pringle soon after proceeded to the Frontier, where he has since continued to reside, we had no further communication with him on the subject, until the receipt of your Lordship's Instructions on the 7th Instant, when we addressed a Letter to him, intimating that we were prepared to investigate his complaints, and inviting him to transmit such further information to us as he might wish to communicate ; to this Letter we have not yet received an answer.

Upon the subject of the complaints of Mr. D. P. Francis, we beg to state to your Lordship that we received various representations from him soon after our arrival in the Colony. Mr. Francis was at that time in Cape Town, and we felt ourselves unable to judge of the merits of his statements until we should have visited the District of Albany in which he had been located, and upon these grounds we declined to furnish Mr. Francis with a written Document which he was desirous of obtaining from us in aid of his views of proceeding to England and of submitting his case to your Lordship.

Having made some inquiries in the District on the subject of his Complaints, we were by no means satisfied that the exertions of Mr. Francis had been such as to entitle him to attach the whole blame of his failure to the Colonial Authorities; and on a comparison of his situation with that of other British Settlers whose cases we investigated, we had reason to consider that there existed many more urgent claims to consideration than those which he had preferred.

On our return to Cape Town from the Interior, we communicated to Mr. Francis some particulars of the result of our inquiries into the various Allegations contained in his Statements to us ; and in a Letter that he addressed to us on the

2nd June 1824 he entered into further explanations upon the several points that had been noticed to him.

As our inquiries had not been undertaken with a view to redress the numerous individual complaints of the Settlers, and as an Officer had at that time been appointed by the Governor to proceed to Albany expressly to investigate their Claims, we apprized Mr. Francis of the opportunity thus afforded to him of submitting his Claim to the Location which had remained in the occupation of some of his discharged Servants, and we suggested to him that if he omitted to communicate the particulars of his case to the Officer in question, it was probable that the Location would be considered by him to be abandoned.

Mr. Francis did not enter into further explanations with us upon these subjects, but on the 25th of June, he announced his intended departure from the Colony by an early opportunity ; and he submitted to us a plan that he had conceived for the introduction and employment of European Labourers. From the tenor of our communications with Mr. Francis on this subject, he had no reason to expect that our opinion respecting his plan would be submitted to your Lordship in anticipation of other subjects that demanded our early attention ; and we endeavoured to impress him with a belief that his suggestions would be considered by us simultaneously with others of the same kind which we had received.

As we already have had the honor of submitting to your Lordship the result of our Inquiries upon this important subject in our Report upon the emigration of Mr. Ingram, we deem it superfluous to offer any particular remarks upon the proposals of Mr. Francis, and we proceed to state that since the receipt of your Lordship's Instructions we have examined Mr. Hayward, the Officer who had been deputed to investigate the Claims of the British Settlers, and it appears that in consequence of the absence of Mr. Francis from the Colony no report had been made upon his case. Mr. Francis having omitted to enter into communication with Mr. Hayward previous to his departure from Cape Town, that Officer had felt precluded from deciding on the merits of his claim to the Location on a mere perusal of some Papers that were submitted to him by Captain Campbell after his arrival at Graham's

Town, and as the Location which had been originally assigned to Mr. Francis had continued in the occupation of his Agent, a Settler named Jonathan Shelvin, it was considered that his interests were sufficiently secured during his absence from the Colony, by not disturbing the arrangement he had made for the provisional tenure of the Land.

In the Memorial which Mr. Francis has addressed to your Lordship, he has rested his claim to remuneration from His Majesty's Government upon the ground of injury and losses occasioned to him by three several causes, *first* "in being sent to Clanwilliam," *secondly*, (after his removal to Albany) "from the total neglect of the Deputy Landdrost Major Somerset," and *thirdly*, "from the Governor Lord Charles Somerset having refused to confirm a Grant of Land absolutely given to him by the Acting Governor, Sir Rufane Donkin."

We have already so fully reported to your Lordship the result of our inquiries into the complaints of the Settlers located at Clanwilliam, that it will only be necessary upon the first point to state, that Mr. Francis having been one of those who accepted the alternative of removing to Albany, and having been gratuitously rationed with his Party not only during the interval of his removal but during the whole period for which Rations were issued to the other British Settlers, we do not conceive that he can possess any further claim to the consideration of His Majesty's Government on account of injury or losses occasioned to him by the failure of his views in that quarter. We may also add that Mr. Francis made no attempt to settle his Party at Clanwilliam, from whence he immediately returned after a short visit to the Locations in company with Mr. Parker.

Secondly. On the subject of the complaint preferred by Mr. Francis against the Deputy Landdrost of Albany, we have to remark that Mr. Francis appears to have been placed on the Land assigned to him by a competent authority; and that the Surveyor attended and pointed out to him the Boundaries of his Location on the 15th of October 1820, a few days after his arrival in Albany. He appears to have complained to the Surveyor that the Boundary Line of the adjacent estate was inconveniently drawn with reference to the spot that he had

chosen for his residence, and as contiguous to the water, his request that it might be altered was accordingly referred to the Landdrost, whose duty it became to submit it to the Government.

In January 1821 Major Somerset the Deputy Landdrost visited his Location, at which time he had erected a small House and commenced the cultivation of his Land. The question respecting the Boundary had not been decided, and as the adjacent Farm had been occupied by a Dutch Colonist under a Proclamation of Lord Charles Somerset published in 1817, it would not have been competent in the Deputy Landdrost to have disturbed his possession without specific Instructions.

Mr. Francis having remained on his Location during the period in which Rations continued to be supplied to the Settlers, and having suffered in common with others from the failure of his crops, appears to have determined on removing from his Land immediately after a demand had been made by the Sequestrator that he should render up his Property to satisfy a Sentence that had been obtained against him. We do not attribute blame to him in having employed much of his time in the conveyance of Stores from Algoa Bay, an employment that proved a resource to many of the Settlers under the losses sustained by them in the failure of their Crops, but from the nature of this employment the labour of Mr. Francis and his servants was necessarily diverted from the cultivation of the Land.

Had the delay in the settlement of the Boundary in reality obstructed the exertions of Mr. Francis by withholding him from the occupation of any Land that was essential to his possession, a reasonable plea might have existed for attributing his failure to the neglect of the local authorities, but as his Servants continued to subsist upon the Location altho' the Boundary has remained unchanged, and as it possessed some resources and advantages from its situation which made it superior to several locations that were assigned to other Settlers, we are justified in concluding that Mr. Francis might also have remained, and we are therefore of opinion that in abruptly relinquishing his exertions, and in quitting his Location, he has forfeited any claim to the consideration of

His Majesty's Government on the ground of those delays which he has imputed to the Deputy Landdrost.

Respecting the third ground of claim to remuneration, arising from the refusal of the Governor to confirm a Grant of Land which Mr. Francis states to have been absolutely given to him by the Acting Governor, we beg leave to observe that it does not anywhere appear that such a Grant had been conferred by Sir Rufane Donkin.

From the Document to which Mr. Francis has referred, and from which he has furnished an Extract, the applications of many Individuals would appear to have been provisionally acceded to by Sir Rufane Donkin during his visit to the Frontier in 1821, but we have already had occasion to state to your Lordship that no measures were adopted in pursuance of these Declarations between the period of the return of the Acting Governor to Cape Town and of his departure from the Colony, an interval of several months ; and Mr. Francis in his Statements to us has himself observed that the promises and instructions of the Acting Governor were not carried into effect by Major Jones (during that interval) on account of the pressure of business which was alleged by that Officer in excuse for his delay.

Comparing this explanation with the Statements of the Memorial, we do not think that Mr. Francis was justified in representing to your Lordship that a Grant had been absolutely made to him by Sir Rufane Donkin, neither does it appear that the refusal of the Governor to confirm such a Grant was the real cause that had induced the suspension of his labours and the relinquishment of his views of settlement.

In May 1822 Mr. Francis appears to have quitted his Location and proceeded to Cape Town, where he arrived in July of the same year. The occasion of his journey was the result of a Lawsuit in which sentence had been obtained against him by default. Preparatory to his removal he appears to have disposed of all his Property in the District. On his arrival in Cape Town he made application to the Governor for a Grant of waste Land adjoining his Location, and he renewed his application for an adjustment of his Boundary. Some inquiry appears to have been made into the circumstances of his case, and in the month of December 1822 his application was

negated by the Governor on the ground that he had quitted and removed all his property from his Location.

Mr. Francis admitted to us that he had removed his property, anticipating the possibility of being detained in Cape Town and of being obliged eventually to proceed to England. He also alleged the exposure of his Location to the depredations of the Caffres, altho' from its situation (retired from the Frontier) it had not been subject to their attacks, nor did he in fact assert that he had at any time been molested by them. This second request to the Governor was limited to a Grant of the Land that had already been surveyed and assigned to him ; but the Governor declined to accede to it on the ground that the Lands were directed to be occupied for three years previously to the Grants being conferred.

Under the circumstances which we have recapitulated it would not appear that Mr. Francis had established any claim to an exception being made in his favor, even if his views had been more steadily directed to the improvement of his Location. His possession of it was not disputed, neither has his occupation been disturbed, and the circumstances under which he quitted the District would in any event have justified the Governor in taking some Security from Mr. Francis that he would not have disposed of the Land preparatory to his departure from the Colony.

Altho' with such a stipulation, we are not aware that any real objection would have existed to the confirmation of the Grant to Mr. Francis, still we do not conceive that he was justified in stating to your Lordship that the refusal of the Governor to accede to his request "had destroyed all his prospects of success in the Colony," neither does it appear to us that he has established any just claim to pecuniary remuneration from His Majesty's Government for injury and losses sustained. Mr. Francis was still in Cape Town when an Officer was appointed to investigate the claims of the Settlers, and to that Officer he was referred by us, when it would have been competent for him to have preferred a claim to an extension of his original Location, or to the grant of any other that might justly have been conferred upon him in the District ; and admitting the urgency of his private affairs which induced him to return to England, we cannot consider the Government

responsible for any injury that his interests as a Settler may have sustained by his absence, more especially as he neglected to ascertain from Mr. Hayward whether his presence on the Frontier could have been dispensed with in the adjustment of his claims on the Location.

If Mr. Francis has entertained any serious intention of making a permanent settlement in Albany, we are aware of no obstacle to his obtaining a Grant of the Land which was first assigned to him, provided the claims of those Persons who have been permitted to occupy it during the last five years are duly protected.

We have no reason to believe that Mr. Francis failed to fulfil his Engagements to the People who accompanied him from Europe, or that any of those disputes occurred in his Party which led in other instances to the interposition of the Magistrate or the dissolution of the engagements between Masters and Servants.

If His Majesty's Government should therefore be disposed to entertain the proposal we have already had the honor to submit for encouraging the further Emigration of labouring Settlers to this Colony, we do not doubt that Mr. Francis would readily and punctually discharge his obligation towards the Persons who might be induced to emigrate under his direction ; his experience in the Colony and his acquaintance with the principal Settlers in Albany might enable him to judge of the description of Persons whom it would be most desirable to bring out, under the conditions and limitations that we have recommended.

We shall now proceed to offer to your Lordship such observations as may be required to elucidate the grounds of claim preferred in the Memorial of Benjamin Wilmot in behalf of his Brother and himself.

The questions in dispute between Mr. Thomas Willson and the Individuals of the Party who emigrated with him having been made the subject of a Special Inquiry by Mr. Hayward, who prepared a Report of the result of his investigation for transmission to your Lordship, we presume that it will be unnecessary for us to enter on the subject of the complaints against Mr. Willson that are stated in the Memorial of Mr. B. Wilmot.

Respecting the Complaints urged by Mr. Wilmot against the Colonial Authorities, and his claims to compensation for losses sustained, we find that he entered into communication with Mr. Hayward on this subject previously to his departure from Cape Town, and as he returned to England in the Month of July 1824, when that Gentleman had proceeded to Albany to investigate the claims of the Settlers, we conceive that he cannot justly complain if the arrangements concluded in his absence, with the entire concurrence of his Party, should have been otherwise than satisfactory to him.

We are enabled however to state to your Lordship that the absence of Mr. B. Wilmot has not occasioned any neglect of his interests in the settlement of the Lands. According to a certificate that has been produced to us by Mr. Hayward, at the head of which appears the Signature of Mr. James Wilmot, an admeasurement of the location of Mr. Willson's Party was made in the month of September 1824, and the subdivision of the Land that was regulated in due proportion to the claims of the several Individuals composing the Party gave entire satisfaction to all whose Signatures are attached to the Declaration.

Mr. Hayward has further explained that in the allotment of the Land, a full proportion was given to James Wilmot in consideration of the shares to which he was entitled for himself, B. Wilmot, and also for the Servants who had accompanied them from Europe, with the exception of one Servant who had purchased his discharge and had left the District.

As Mr. B. Wilmot has stated that his principal motive in coming forward was to prevent the sacrifice of his Brother's interests, it will hence be apparent that if the satisfaction of his Brother in the division of the Land was not known to Mr. Benjamin Wilmot at the date of his Memorial, it had at least been fully declared by James Wilmot several months previously to the submission of these complaints to your Lordship.

Ten original allotments having been included in their subdivision of the Location, including six that had before appertained to them, we submit that the claim to relief in consequence of the loss of two Servants under the circumstances stated in the Memorial has been satisfied by the admission of Mr. Wilmot to share in the Land for the Servants in question.

Respecting the claim of Messrs. Wilmot to the repayment of

£41. 13. 4 for two Instalments of the money deposited by them through the Head of the Party, we beg to explain, that the Accounts of the Commissariat Department were kept in all instances with the Heads or nominal Heads of the Parties, and that the Rations issued were charged against the Sums collectively deposited. As Accounts were not kept with Individual Settlers, the claim of Messrs. Wilmot to the recovery of any Balance due upon their Deposits (after deducting the costs of the Rations delivered to them) will be referable to the Head of the Party thro' whom they were received ; and according to the List of Balances transmitted with our Report of the 25th May 1825 it would appear that Rixdollars 17,054. 2. 3½ were due by Mr. Willson's party to the Public in the year 1821, after crediting them with the amount that had been deposited by the Party, the first instalment of which had been repaid to them.

We have already stated to your Lordship that Mr. Wilmot took his departure from the Colony at a time that effectual measures were in progress for satisfying the claims of the Settlers, but it is important that we should add that Mr. Wilmot did not return to England with the object of prosecuting those claims, but in order to avail himself of prospects that had there opened to him. These views were declared in a Memorial that he addressed to us in Albany in February 1824, and were repeated in a Memorial addressed to the Governor in April 1824 ; and if his present application to your Lordship for a separate Grant of Land is indicative of a change in these views, it is nevertheless certain that he returned to England in the contemplation of them, and that reference of his complaints to your Lordship was not the real object of his voyage for which he has now made a claim for his expenses.

Upon these grounds alone we should have concluded that Mr. Benjamin Wilmot was not entitled to make such a demand upon His Majesty's Government.

The subject of the two Memorials to which we have alluded was the loss of Six Head of Cattle in which he claimed and received indemnification from the Colonial Government just previous to his departure from the Colony.

Mr. Wilmot stated in his Memorial to us that he lost Eighteen Oxen, twelve of which had been returned to him, and six had

been lost owing to the negligence of the Pound Keeper at Graham's Town; and after presenting a Memorial to the Governor which was seconded by the recommendation of the Landdrost, he received five hundred Rixdollars by Warrant from the Colonial Treasury by way of compensation.

In the Statement to your Lordship of his losses, he has not thought fit to make allusion to this indemnification; and in his further claim of £30 for 15 Head of Cattle alleged to have been stolen by the Caffres, it would have been satisfactory if he had afforded some explanation whether his Cattle were included in the 7000 Head that were retaken; and if in reality they were those which had been the subject of his Memorial to us in Albany.

The Statement we transmit was the only one we received from Mr. Wilmot while in Albany, and the Sum paid to him in compensation for the loss complained of corresponded with the full amount at which your Lordship will observe that he has laid his damages.

We have thus in obedience to your Lordship's Instructions adverted to the several parts of the Memorials of Messrs. Francis and B. Wilmot, upon which claims have been founded to the consideration of His Majesty's Government; and we trust that the explanations we have afforded will enable your Lordship to appreciate the grounds upon which they have been preferred and the extent to which some of these have already been acquitted.

If after the expences that have already devolved on the British Government, we had considered that claims to pecuniary compensation were admissible for losses sustained by Individuals who had emigrated to this Colony, it would have afforded us pleasure to have brought to the knowledge of your Lordship the circumstances of those who by adhering to their Locations have surmounted the difficulties incidental to their situation, and who would therefore have possessed the first claim to the consideration of His Majesty's Government for their industrious and persevering exertions. We have &c.

(Signed)

JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Enclosure in the foregoing.]

CAPE TOWN, 10th July 1825.

William Hayward, Esqre., examined.

You have been employed in adjusting the claims of the British Emigrants in Albany?

Reply. I have.

Will you state the nature of the Settlement that has been made by you of the claims of Benjamin and James Wilmot, who were located with Willson's party of Settlers?

Reply. Benjamin and James Wilmot were located with four Servants, and on the Settlement of the Claims of Willson's party I found that one servant had purchased his discharge and their claim for Land on his account was disallowed. But for all the others a full share of the Location was admitted, including the share of Benjamin Wilmot who was then absent, but was represented by his Brother.

Did James Wilmot express himself satisfied with the Settlement that was made?

Reply. Perfectly so, and in proof of it I produce a certificate to that effect, signed by him in common with the rest of his party.

Are you acquainted with the nature of the complaints preferred by the Individuals of the party against Mr. Willson?

Reply. I was directed to investigate the complaint of Mr. Willson against his party, and which had been referred for explanation by Lord Bathurst, and on that occasion I ascertained the nature of the complaints of the party against Mr. Willson, and my report upon the subject, to which I beg to refer, was forwarded to the Governor for the information of Lord Bathurst.

Did you recommend any Settlement to be made for the location of Mr. D. P. Francis?

Reply. I have no report whatever upon it.

In what manner is the Location at present held or occupied?

Reply. It is in the Occupation of a man named Jonathan Shelvin, who informed me that he remained on the location as the Agent of Mr. Francis, and in consequence of the absence of

that person I did not consider that it would have been just to have decided on the merits of his claim.

Did Mr. Francis communicate with you on the subject of his claim previously to your departure from Cape Town ?

Reply. He did not, I had no communication whatever in Cape Town with Mr. Francis. Some time after my arrival at Graham's Town, Captain Campbell, as agent for Mr. Francis, put into my hands certain papers relating to Mr. Francis's location, and on a perusal of them it did not appear to me that there was anything requiring my investigation, and coupled with the circumstance of his absence I did not recommend any arrangement to be made regarding his Location.

(Signed) WM. HAYWARD.

Memorandum.

The name of the man left on D. P. Francis's location is Jonathan Shelvin.

I find on reference to my Papers that Mr. Francis urges some pretensions to a further or more extended Grant. He certainly ought to have been on the spot to have discussed the question with me.

I find also he wrote me a Letter dated Cape Town 14th June 1824, apprizing me he had requested Captain Campbell, as his Agent, to call upon me, this letter was given to me by Captain Campbell with the other papers.

(Signed) WM. HAYWARD.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 20th July 1825.

MY LORD,—With reference to the Despatches which I had the honor to address to your Lordship in the course of last year upon the several items of encrease which I have been necessitated to make in the Expenditure of this Colony, I take the liberty, notwithstanding that I therein submitted the Imperativeness of the augmentations proposed to your Lordship, of

transmitting to your Lordship the accompanying additional explanations of the Items alluded to which appear in the Accounts of this Government for 1824, together with Copies of the representations of the Local Authorities upon which I took upon myself to authorize the same.

I trust that Your Lordship will deem these additional explanations to be satisfactory, and that Your Lordship will have the goodness to convey Your sanction to the several items in question to the Auditors of Colonial Accounts. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Explanation of the Reasons for incurring the Under-mentioned Items of Expenditure appearing in the Accounts of the Government of the Cape of Good Hope for the year 1824, and which require the sanction of the Secretary of State :—

Appointments.	Date of Appointment.	Salary.
		<i>Rds.</i>
1. A Post carrier at Plettenberg's Bay	1 April 1824	192
2. Additional Postholder in the George District	9 April 1824	192
3. A Wharf Master at Simons Town	9 April 1824	720
4. An additional Postholder in the Worcester District	1 September 1824	Usual Allowance
5. An additional Boatman on the Establishment at Port Elizabeth	1 October 1824	360

Remarks.

1. Authorized upon the representation of the Postmaster General.

2. Do.

3. Earl Bathurst's sanction to this measure was applied for in the Governor's Despatch of the 9th April 1824 where its expediency is fully detailed.

4. Vide No. 1.

5. Represented to be necessary for carrying on the Duties at that Port efficiently.

INCREASE TO SALARY.

	Date of Appointment.	Salary.
1. The Postholder E. E. Meyer of the George District	1 April 1824 . .	from 360 to 512 <i>Rds.</i>

Remark.

Increased upon the report of the Postmaster General of the inadequacy of his former allowance.

Explanation of the Reasons for increasing the under-mentioned Items of Unfixed Contingencies, exceeding in amount £200, appearing in the Accounts of the Government of the Cape of Good Hope for the year 1824 and which require the Sanction of the Secretary of State :—

SERVICES.

	<i>Rds.</i>	<i>shs.</i>	<i>sts.</i>
1. Repairs to the Government House, Cape Town. . . .	6,061	6	3
2. Payments towards the completion of the Drostdy House, Graham's Town	10,000	0	0
3. On account of the Church erecting at Graham's Town . .	6,000	0	0

Remarks.

1. Authority for these repairs was solicited by Despatch to Earl Bathurst dated 9th October 1824.

2. Authority for erecting a Drostdy House at Graham's Town was applied for to Earl Bathurst in the Governor's Despatch of the 14th June 1824, wherein it was reported that the erection of Buildings in Albany was a measure consequent upon the Establishment of a District in that Quarter.

3. Do. Do. £500 Sterling was paid to Mr. Courtenay towards the Expense of this Building by the Society for propagating the Gospel in foreign Parts.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 2 in the above.]

POST OFFICE, CAPE TOWN, 6th September 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of the 2nd Instant, and also the Copy of one from the Landdrost and Heemraden of Worcester, stating that great

inconvenience had arisen since the removal of the Drostdy to Worcester in consequence of no regular Postholder having been appointed to convey the mail from the Eikenboom to Tulbagh, this duty having been performed by a Constable whose services were elsewhere required.

In reply I beg to state for the information of His Excellency the Governor, that when the Constable is withdrawn from that duty, the line of communication to the Northern Frontier will be stopped, unless a Postholder is appointed for that purpose, and from the recommendation of the Board of Landdrost and Heemraden Mr. Ryk Meyring appears to be a fit person to perform that duty. I have &c.

(Signed) RT. CROZIER.

P. G. Brink, Esqre., Assistant Colonial Secretary.

[Enclosure 3 in the above.]

POST OFFICE, 7 December 1824.

SIR,—I have to acknowledge the receipt of a letter from the Acting Colonial Secretary dated the 20th August last and the Copy of one from the Landdrost of George, recommending an increased allowance to the Postholder E. E. Meyer at Gourits River, in consideration of the great distance he is compelled to carry the Frontier Mail in the District of Swellendam, and also pointing out the necessity of appointing the Resident of Plettenberg's Bay a Postholder with a Salary of 48 Rds. quarterly, which is allowed to the other Postholders there, and likewise requesting that the Sum which is at present granted to S. F. du Toit, Postholder at George, and whose Salary is paid out of the District Funds, may be defrayed by the Colonial Treasury and that he Du Toit be placed on the same footing with the other Postholders residing between George and Plettenberg's Bay.

In reply I beg to represent that upon inquiry it appears that the Postholder E. E. Meyer in consideration of the distance he is obliged to transmit the Mail, is fairly entitled to the remuneration solicited by the Landdrost, and in consequence of the Commercial transactions at Plettenberg's Bay and the Knysna having been much encreased of late, and coasting vessels touching there more frequently than hitherto, I take the

liberty herewith to recommend the establishment of a Post Office at Plettenberg's Bay, which will afford greater security to correspondence in that quarter, the Postmaster to be remunerated according to the duty of his office, and owing to the locality of the Place the situations of Postmaster and Postholder cannot be better vested than in the hands of the Resident, who is allowed a House a part of which can be converted into a Post Office.

As the Postholders are generally paid by the Colonial Treasury there does not appear to be any reasonable objection to place S. F. du Toit on the same footing with the other Postholders, who are employed on a Similar Service, the same to be defrayed by the Colonial Treasury. I have &c.

(Signed) RT. CROZIER.

Sir R. Plasket, Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 20th July 1825.

MY LORD,—In consequence of the arrangements which have been made for introducing British Coin into this Colony, and for keeping the Accounts of the Government in British money, I have the honor to inform Your Lordship that it will be necessary to have new Dies sent out from England for stamping the Papers used in this Colony as Stamps.

The present dies are the old Dutch ones, which have never been changed, and the impressions of which are scarcely visible, so that at all events a new set would be absolutely necessary.

Underneath is a List of the several Sums for which Dies will be required, and I have to request Your Lordship will be good enough to authorise the Colonial Agent to procure and forward to the Cape, with as little delay as possible, the necessary supply required, together with two Machines for working them, and which it is requested may be made so as to require as little exertion as possible. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 20th July 1825.

MY LORD,—I have had the honor to receive Your Lordship's Dispatch of the 11th April last, in which Your Lordship calls my attention to a printed Copy of a correspondence which I had the honor of transmitting to Your Lordship on the 11th October last, relative to charges which Dr. Philip had preferred against the Magistracy of Albany, and in the subsequent part of Your Lordship's Despatch Your Lordship implies a dissatisfaction at my not having transmitted to Your Lordship the reply to the Authentic correspondence which Dr. Philip published some time afterwards.

I regret extremely that Your Lordship should consider that I have neglected to supply You with any information that Your Lordship deemed requisite. I beg to assure Your Lordship that I was only induced to refrain from so doing to avoid being unnecessarily troublesome to Your Lordship, and under a conviction that enough had already been said to make Your Lordship acquainted with the Doctor's character and conduct towards this Government. Had I transmitted his reply to the authentic correspondence, it would only have been with a view of confirming the impression the former Pamphlet would probably have made, as his reply is replete with disgusting evasion, and perversion of fact, and I can perceive nothing in it that can at all palliate or excuse that system of insidious and evasive attack which was manifest in the whole of the Doctor's conduct last year.

I have now the honor to transmit to Your Lordship a copy of the Doctor's Reply and also Mr. Rivers' letter which that Reply called forth. He has not accounted for his concealing the name of the distressed Family and that of the Military Officer alluded to by him, nor for his delaying to bring the Case forward until after that Officer had sailed for New South Wales, any more than he did for refraining from claiming the printing presses until Mr. Greig had sailed for England.

With regard to the removal of Mr. Rivers from the Landdrostship of Albany, I can assure Your Lordship that it had

no connection whatever with the correspondence alluded to, or with anything Dr. Philip uttered or advanced. I had received repeated applications many months previous, from that gentleman, both direct from himself as well as through his private friends, soliciting in the most urgent terms that I would employ him in any other Department of the Government, and I had assured his friends that I would do so whenever a fit opportunity offered. The attack so insidiously made in August last by Dr. Philip at the Public meeting retarded my intentions on that head, as I considered it not compatible either with the dignity of Government, or Mr. Rivers' character that he should relinquish his post until Dr. Philip's attacks had been refuted. I have however to inform Your Lordship that the unfortunate differences between Mr. Rivers and a part of the Settlers had proceeded to such a length that the opposing party had applied to me to authorize a Public Meeting for the purpose of petitioning me for his removal.

Although I did not think it right to accede to such a meeting, I deemed it expedient for the harmony and welfare of the District to give Mr. Rivers other employment, which I was then enabled to do without compromise, from Dr. Philip's insidious charges having been satisfactorily refuted. I therefore placed Mr. Rivers at Swellendam where, I hear from all quarters, he gives general and entire satisfaction.

I now feel myself bound to state that for some months past Dr. Philip has entirely changed his line of conduct and has remained perfectly quiet and secluded. Whether he has received a hint from his Constituents in England relative to the active part he was taking against the Government and its authorities, or that the perfect harmony and good feeling towards the Government which have reigned amongst the English Settlers since my visit to them in February last, have afforded him no field for his talent ; or whether his present seclusion arises from the absence of his principal coadjutors who seem to have transplanted themselves to the threshold of Your Lordship's office, I know not, but at present and for some time past he has been wholly retired and inoffensive, at least as far as has come to my knowledge. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

*A Reply to a Pamphlet printed at the Government Press, entitled
"Authentic Copies of a Correspondence," &c., &c., &c. By
JOHN PHILIP, D.D., Cape Town, 1824.*

An attempt having been made, by a Publication printed at the Government Press, to invalidate the truth of a statement made by me, at the Annual Meeting of the Society for the Relief of Distressed Settlers, which I related on the authority of an Officer of the highest respectability, renders it unnecessary for me to apologize, for laying before the public the following remarks on this subject.

The correspondence between myself and the Colonial Government, occupying the first part of the publication in question, requires no particular observations. If any remarks are made on my conduct, in relation to the Officer who narrated to me the statement which has given rise to this affair, I have no apprehension that I shall be blamed by any impartial person for having concealed his name ; and if, on the other side, any person be disposed to blame me for having related the case as it was given to me, under the idea that I might have known that the publication of the statement itself might lead to the discovery of the relater, it is enough to say, in reply, that the Officer gave me the statement in question, without any other restriction than that of the concealment of his name.

Having dismissed this part of the subject, it is only necessary to remark in passing, that in relation to the name of the distressed family, at some future time, it will not, perhaps, be difficult to account for my backwardness in giving it up, and also for the mode of expression employed in my last note to His Excellency the Governor on that subject.

The points at issue are the following :—Was such a communication, as I stated at the meeting, made to me ? and is there any reason to doubt that the communication I received is substantially correct ?

I have stated, in my correspondence with the Colonial Government, that Mr. Rutherfoord and myself were ready to make affidavit as to the fact of having received such a statement. It is the best evidence in my power to offer ; and, I

humbly conceive, is all that can be required of me, in the absence of that direct testimony which can only be afforded by the gentleman from whom I received the communication. Beyond the question of my own veracity, I do not consider my character or responsibility at all involved. Statements and assertions, similar to that made by me, are every day advanced in England, in the first tribunals in the country, subject, of course, to such explanation or refutation as the parties concerned may be able to afford.

I asserted only what I heard, and what I also believed to be true. If the Local Authority referred to be able to show that no such case of distress ever existed, or that when brought to his knowledge, he afforded prompt and adequate assistance, I shall be extremely glad to find that my informant was mistaken, and that the character of a public Officer of Government has been vindicated, and his humanity placed in a favourable light.

At the same time, independent of the confidence I have in the character of the Officer from whom I received the information, there are some circumstances not a little confirmatory of the principal features of the case stated by me at the public meeting, and which, from the character of the publication that has appeared on the subject, I feel myself under the necessity of bringing forward.

The first thing to which I shall advert, is the following Memorial, representing in general, but strong terms, the distress of Mrs. Harden and family, addressed to the writer of this article, to be presented to the Committee of the Society for the Relief of Distressed Settlers, and dated Graham's Town, 7th October, 1823 :—

“To the Committee of the Settlers' Fund Society, Cape Town.

“Gentlemen,

“The Memorial of Maria Harding, humbly sheweth,

“That your Memorialist, (who came to this Colony with her husband, in connection with the party which left England under the superintendence of Mr. Bailey,) is at this moment, with three infant children, in great difficulties, arising from the

lamented death of her husband, whose last illness terminated in a period of fifteen weeks, and during that awful space, if it had not been for the humanity and Christian kindness of the truly excellent Captain Clarke, and a few other friends, she and her orphan babes must have fallen a prey to the most absolute want.

“That your Memorialist, who has forwarded a prayer to His Excellency the Governor, that she may be sent home to her native country, humbly prays that you will be pleased to afford her some pecuniary assistance in this day of her great calamity, and to enable her to accomplish her earnest desires, as she perceives but too plainly, that she cannot possibly support herself and her unfortunate children in this Colony.

“And your Memorialist as in duty bound will ever pray.

“Graham’s Town, October 7th, 1823.

“P.S. The relatives of Memorialist’s late husband, residing in England, are in good circumstances, and therefore, if she could reach the British shores, they would provide for her children.”

It is evident from this document, that the Hardens were indebted for their preservation, up to the 7th October, 1823, to private charity. Now it appears from Mr. Godlonton’s letter, that the Public Authorities were acquainted with the condition of this family as far back as May and June preceding, and whatever relief may have been afforded, it is evident that it was altogether inadequate, and weighed very little in the opinion of the unfortunate family, when they ascribed their preservation altogether to the assistance they received from another quarter.

Mr. Dyason in his letter states, that in November or December last, the Landdrost authorized Mr. Bailie to advance them money, which he did to the extent of 25 Rixdollars, but this makes nothing against the distress of the family, previous to the date of the Memorial 7th October, which is the period to which my observations applied.

Since writing the above, I have been favoured with the following document, which I lay before my readers without preface or apology.

“The case of Maria Fletcher, late Harden, as related by herself :—

“In February 1823, finding house-rent dear in Graham’s Town, we returned to our location at Cuyler Ville, 46 miles off. On 2d May my husband hurt his kidneys by carrying a bag of pumpkins home, which he had purchased, and took to his bed. On the 9th our youngest child died of an irruption, which the other two were very ill of, and I buried it in the garden, a neighbour assisting me in making a little box to contain the body. Dr. — and Captain — called, and frequently gave us relief. Hearing that charity was given by the Landdrost, I wrote to Mr. Godlonton, (whom I knew), Clerk to the Landdrost, but got no answer. Mrs. Wakeford, my neighbour, going to Graham’s Town, asked Godlonton what he had done ? He said, he had spoke to the Landdrost, but got no answer. Mrs. Wakeford resolved to see him herself, and made known our case. The Landdrost gave her 5 lbs. rice, 2 lbs. sugar, 1 lb. sago, and 1 lb. oatmeal ; this was the latter end of May. Capt. — called one day, and said he had written to — about us, but had got no answer.

“I then wrote to the Landdrost direct, stating my husband’s case, and that I was on the point of being confined, that I was in want of linen, as I had used it to dress my dear child’s sores.

“Mrs. Wakeford took the letter, and got a small pair of blankets, but no other relief ! About this time, a subscription had commenced at Graham’s Town without our knowledge, and to this relief, and the great fatherly goodness of Capt. — and Dr. — we were saved from perishing. About the 2d July I laid-in, and my good neighbours assisted me, while my husband lay in great agonies in the next room. I fortunately soon recovered from my confinement, and was again able to attend him. Capt. — once said to my husband and myself, “Have you received nothing lately from —, I wonder at it, as I have again spoke about your state.” Dr. — said, “Don’t agitate his mind now ;—I fear he is in the last stage.” Capt. — then read a chapter in the Bible to him, and told him to compose his mind ; and that his family should be taken care of. He then drew me on one side, and said, “Mrs. Harden, the

little you have got from —— has been of serious injury to you ; it has stopped the subscription in Graham's Town, as the people think you are relieved by—— ; but it shall not rest here." He then walked the room in great agitation. About this time I was told Mr. Geary had said, that the Landdrost had given orders to Mr. Bowker to give us assistance. I sent to Mr. Bowker, but his reply was, " I never had any orders whatever." On the 17th August my husband's dreadful sufferings were over, and my kind neighbours assisted in burying him in the garden, by the side of our child. About the latter end of September, I went, at the persuasion of Mr. Bailie, in his waggon to Graham's Town, and after staying a fortnight at a friend's house, and calling repeatedly upon Mr. Rivers, I got an interview. He said he could do nothing for me ; he was sorry ; but every body applied to him for relief, and he had nothing to give them or me. At last he called in the Messenger, and desired him to give me some rice. I then asked, as I could not maintain myself and three children, if I could not get a free passage to England ? He said that I might memorialize, and he would back it. I got Mr. Bailie to draw it up. I took it myself ; but have never heard more about it. Next day, I had from Clark, the Messenger, half-a-pound of tea, 2 lbs. sugar, and 5 lbs. rice ;—but the flood took place ;—I was detained, and was obliged to consume what was given me. When I returned to my location, my house I found washed down ; but my children were taken care of by Mrs. Heath. I returned worse than I went. My neighbours built up a little of my house ; but after disposing of all I had left of my husband's tools, &c., &c., &c. I was left destitute. In this state I married my present husband, and my three children are now, thank God, healthy and provided for by my husband's industry.

" The mark of Mrs. MARIA

(Signed)

X

FLETCHER, LATE HARDEN."

The following extract is from a letter of Mr. Walker, addressed to the Secretary of the Committee for the Relief of Distressed Settlers.

“To Mr. H. E. Rutherford, Secretary to the Society for the Relief of Distressed Settlers in South Africa, Cape Town.

“SIR,—Although I have not the pleasure of a personal acquaintance either with yourself, or any of the gentlemen members of the committee of your friendly society, I beg leave to submit to your consideration the case of a widow and family of a fellow-colonist, entreating that benevolent aid in their behalf for which your institution is formed.

“Mr. W. Harden, wife, and little ones, embarked in the same vessel with myself from England,—were under the same guide—Mr. John Bailie, and were located in the same village, named Cuylerville, and by trade was a cabinet-maker.

“William Harden having occasion to remove some pumpkins, from his garden to his house, in the act of lifting quickly a sack containing two very large ones, was unfortunately ruptured : during his illness, which was severe, he was attended, as frequently as military duties would permit, by the surgeon of the forces posted at Upper Caffre Drift, whose name I regret I cannot at present call to my remembrance ; but it pleased Providence that neither medicine nor medical skill should preserve his life, so that after three months’ confinement to a sick bed he died.

“This unhappy female, thus bereaved of a husband, a father, a bosom friend, by the hand of the Almighty, was very shortly after deprived of one of her children, whose life most probably fell a sacrifice to sickness and direful want, I believe the second she has in this country resigned to the tomb, which, with one committed to a watery grave on the passage, will demonstrate that, as she has been afflicted with such awful visitations since she left her native shores, so she may justly claim attention from the humane and generous, &c., &c., &c.

“Asking that you would honor me with a reply as soon as convenient, with the determination of your committee on the above case, addressed, at the Post-Office, Cradock, I shall subscribe myself &c.

(Signed) “JOHN J. WALKER, Surgeon &c.

“Cradock, October 6, A.D. 1823.”

The following document has been transmitted to me, by a person I have never seen, and I give it without any comment :—

“James Thomas Erith, maketh oath and states, that he (the deponent), on the 15th (or thereabout) of August, 1823, was at Mr. Heath’s, and slept there that night. He (Mr. Heath) informed deponent, Harden was very ill, and not expected to live ; and further stated, he sat up with him several nights, as Harden would not be composed unless he was there. Deponent offered to go with him, but he would not consent, seeing deponent was fatigued with his journey. In the morning deponent went with him to Harden’s. He (Mr. Heath) had before told deponent that Harden would have died for want, had it not been for Captain Clarke, of His Majesty’s 6th Regiment of Foot, who sent him wine, &c., &c., and the benevolence of a few more friends. Deponent inquired who attended as medical assistant. He (Mr. Heath) replied the Doctor at the Post. Deponent saw the man in a dying state, and was shocked at the distress he then witnessed. Deponent is almost sure that Harden had nothing to take that morning but what Mr. Heath took him. Deponent was induced, in consequence, to leave with Mr. Heath Three Rix-dollars. Deponent further states that on his return home, he understood Harden had died three days after he had left him.

“Sworn before me, in Cape Town, in His Majesty’s Colony of the Cape of Good Hope, South Africa, this — day of October, 1824.”

This document is in the form of an affidavit, as Mr. Erith intended to have confirmed the statement it contains in this manner, and is ready to do so.

The remark made on the communication, said by Mr. Dyason to have been made to Mr. Bailie, respecting this family in November or December, is applicable to Captain Monckton’s letter. Captain M. took the charge of the Post on the 25th November, 1823. Now, the period of the great distress of this family was from the 2d of May to the 7th October.

It is unnecessary to repeat the remarks already made, on the instructions given to Mr. Bailie, respecting the Harden family, in November or December ; but the following passages in Mr. Bailie’s letter call for some remarks.

“The family (meaning the Hardens) were *never*, during *any* period of their afflictions, in want, as their account with *me* for meat, flour, rice, tea, and sugar, can testify,” &c. &c. In the absence of Mr. Bailie’s account, which has not been produced, we can only offer conjectures, and in these conjectures I may be mistaken; but, on comparing this statement with Mrs. Harden’s own statement, and with the Memorial of the 7th October, I am inclined to think that Mr. Bailie must in this passage, where he speaks of an open account, refer to a period different from that in which the greatest distress of the Harden family took place.

Mrs. Harden takes no notice of the open account with Mr. Bailie in her own statement,—there is no reference to it in the Memorial, and in the absence of proof, we can only say, that it is not likely that the Hardens could have an open account of this nature, during the fifteen weeks of Harden’s illness, and particularly after all hopes of his recovery were gone.

In the same letter, addressed to Mr. Rivers, Mr. Bailie adds, speaking of the death of Harden—subsequent to his death :—“You may remember having directed me to purchase for the widow a good milch cow, or what other immediate necessities she might be in want of, on your personal guarantee, until the next meeting of the Fund Committee should sanction an issue to her.”

If these instructions were not given to Mr. Bailie previous to November, they do not interfere with the present question; but one cannot read Mrs. Harden’s own statement, and the account she gives of her journey to Graham’s Town, in Mr. Bailie’s waggon, and not ask whether this milch cow, and those necessities, were given to her previous to that event? and whether this statement agrees with the account she has given of that journey, and her situation, as described by herself, down to the period of her marriage with Fletcher, her present husband?

Here I may remark, in passing, that the professed object of her journey was to obtain relief from the Landdrost; and it is not likely that she would have left her children with a neighbour, and have undertaken this journey, could she have procured in her neighbourhood what she wanted.

Mr. Godlonton describes Harden as dissipated—as having

had his death accelerated by the use of ardent spirits. I think the Doctor's certificate who attended Harden would have been desirable here. The death of Harden, in the documents before me, is said to have been occasioned by a rupture, or sprain, caused by lifting a sack of pumpkins. From the time this event took place, from the 2d of May, Harden appears to have been confined to his house, and to his bed. Now, whatever might have been the habits of Harden previous to this period, it is extremely unlikely that he had it in his power to procure ardent spirits, to have accelerated his death, after the 2d of May, when he met with this accident, to his death, which appears to have taken place on the 17th of August. It is rather singular that Mr. Godlonton should have described Harden as a dissipated drunken character, and in the same letter speak of the kind intentions of the Landdrost, which were frustrated by the death of Harden! The reader can scarcely fail to remark the justice of the preceding observation, on perusing the following extracts from Mr. Godlonton's letter:—

“On the 28th June, 1823, John Duffy brought a letter from Harden, stating his family were deficient in bedding, and you immediately ordered me to issue to the bearer, for their use, a pair of blankets, which was accordingly done.

“I am not aware of any further assistance having been afforded from the fund under your control and direction; but I conceive, from the strong feeling of your commiseration shewn by you, on every occasion I had the honor to allude to, or represent their case, that had you been aware of their wanting any necessary comfort, it would have been supplied; and that your intentions on their behalf were only frustrated by the unfortunate and premature death of Harden, which calamity was accelerated, if not occasioned, by dissipation, and an excessive addiction to ardent spirits.”

After considering the affidavits which Mr. Rutherford and myself have offered to make, in reference to the statement given to us by the Military Officer,—the Memorial of Mrs. Harden, addressed to the Secretary of the Fund,—the statement of Mrs. Harden herself on this subject, corroborating the material points of the Officer's statement,—the letter of Mr. Walker, with other documents,—the public grounds on which I made the statement in question, and the reluctance with which I

brought it forward, I leave the public to judge as to the propriety of the following expressions in the letter of Mr. Rivers.

“ I have the satisfaction of being able to show that Dr. Philip’s statement is *utterly false* !

“ Dr. Philip’s statement, if alluding to Harden, is equally malicious and unfounded ; and that he had no authority whatever for traducing my character as a magistrate and a man !

“ He can only have withheld it (that is, from the time I was in Albany, 1823, to the period of the public meeting, in August, 1824,) for the purpose of calumniating the character of a public officer !

“ As I have not any doubt that I have identified the case to which Dr. Philip alluded in his speech at the anniversary meeting, I consider I have fully and satisfactorily repelled the calumnious assertion of that gentleman.”

It may be remarked here, that if the case was *utterly false* and *unfounded*, how did Mr. Rivers identify the case so easily, and with so much certainty, while I continued to withhold the names of the parties, and while he professed to be in total ignorance respecting the name of the Officer ? He could make the discovery only from the similarity he discovered between the case I had described and that which he, *without any doubt*, identified with it ; and this resemblance, acknowledged by himself, shews that my statement was not, as asserted by him, (even upon his own concession) *utterly false and unfounded*.

The charge exhibited against me in the following passages is so indistinctly expressed, that I shall be excused in giving it in Mr. Rivers’ own words.

“ It is difficult to reconcile his suppression from the Government which I serve, of any circumstances of the nature he has represented, with the motives which he affects to influence him in now making them public ; for he could not have doubted that in the character he has assumed as a Missionary, and leading Member * of the Fund for relieving Distressed Settlers, such a representation from him would have been received with attention, when the purity of his motives would not have become questionable, and his proceeding would have been

* This assertion that I have assumed the character of a leading member of the Fund for relieving distressed Settlers, is an assumption of Mr. Rivers’ own, for which I am not conscious of having given any just cause.

more fair and honest, as he can only have withheld it for *the purpose of calumniating the character of a public officer.*"

If Mr. Rivers in the above passage means to convey the idea that it was my duty instantly to have communicated my information respecting the Hardens to the Governor, I must beg leave to refer him, for all the satisfaction I can give at this moment, to my correspondence with His Excellency the Governor on that point. But if he means to insinuate that it was my duty to have made it known to himself, I must inform Mr. Rivers, in reply to that charge, although I can safely declare I have not in my breast one particle of hostile feeling towards Mr. Rivers personally, I know nothing, *in the relative situation in which we stand to each other*, to induce Mr. Rivers to suppose, that I was under any obligations to make known such a communication to him.

Mr. Rivers considers it fortunate that Mr. Bird's motion forced me to be open and explicit, because by this means an opportunity has been offered in confuting calumnious reports. I do not know what Mr. Rivers means in this passage, by "calumnious reports." If he means that I had previously circulated the statement I made at the public meeting, he labours under a mistake ; for I can affirm, that to the best of my recollection, such a relation never escaped my lips till it was brought forward in public, and on public grounds.

Among the requests of Mr. Rivers to the Colonial Government, the following will not escape notice :—"I request also, that Dr. Philip may be called on to state what those political causes, connected with the sufferings of the Settlers were, with which he was careful not to interfere ; and, that if his intention be to insinuate that the conduct of the Landdrost, or the Local Authorities, towards the Settlers, has in any way tended to create or aggravate any case of distress, he may state the instances."

It must appear strange to persons in England, that the Chief Magistrate of a large District of an English Colony, and chiefly peopled by English Emigrants too, should make such a demand.

Compared with such a power as the Landdrost of Albany would have the Colonial Government to exercise, the Spanish Inquisition is but the shadow of a shade. I never before heard

of any tribunal on earth, established on principles which could compel a man to make known his thoughts !

Mr. Rivers supposing himself to be the Local Authority alluded to in my speech, seems to consider the evil of which he complains as greatly aggravated by the circumstance of his being a Public Character and a Magistrate. Now this is one of the very grounds on which I should choose to rest my defence. It is to this freedom to make remarks on public characters, under the restrictions I have already mentioned, that England owes much of her private and public virtue ; and anything like purity in public men is not in the present state of human nature to be looked for, when such a censorship is withheld !

In the commencement of this article, I announce my views of the present controversy, viz. : that all I had to do was to prove that the case related by me at the Public Meeting was communicated to me by an Officer of high respectability, and to advance some circumstantial evidence in favor of the truth of the statement itself ; how far I have redeemed my pledge, and succeeded in establishing those points, it is not for me, but others to decide. I have purposely taken a narrow view of the subject, and I think I have succeeded in placing it in a different light from what it appears in this anonymous pamphlet.

Without going again into the reasons I have already stated, and which may be seen in the printed correspondence, for opposing the motion of Mr. Bird, or adducing others which may still be in reserve, if I am not mistaken, the Local Authorities who have expressed themselves in this printed correspondence on the distress in Albany, have, perhaps, without designing it, furnished me with an additional reason not before mentioned by me, which will, with many persons, justify me in having opposed this motion, which I cannot help noticing in this place.

It is impossible to read this publication, and compare the letters which it contains from the Local Authorities of Albany, with the reports and publications of the Committee in Cape Town, and the opinions of the Members of the Sub-committee in Albany, and not discover an unfortunate opposition in the sentiments of the parties.

In the first instance, we shall allow the Local Authorities to speak for themselves.

Extracts from Authentic Copies of Correspondence, &c., &c., &c.

“I cannot let this opportunity pass, without observing, that I know of no such distress in this Colony, as has been publicly stated. I should like to be informed, who the people are, requiring eleemosynary aid ;—not the labourer, I imagine, who can procure two Rix-dollars per day ; or the mechanic, who can procure three or four. The truth is, that the only people distressed are some few of the more respectable class, who have spent their money in agricultural pursuits, which have not answered their expectations, and who, from pride or inability, are rendered incapable of living by labor. There are but few men, however decrepid they may be, who might not get their living by herding cattle, or other easy employment.

(Signed) “CHAS. CRAUSE.”

“From being situated in the midst of the Settlers, I have had almost a daily opportunity of witnessing the late conduct and exertions of the greatest portion of the Settlers, and it is my most decided opinion, that they have received more attention and assistance, and particularly within the last twelve months, than their situation required, and that the public were never more imposed on than they have been generally on the subject. In the ten parties near me, I do not know of a family, or even an individual, that can be considered in distress,—much of the distress that has been felt, has arose from imprudence and want of proper exertion.

(Signed) “W. AUSTIN, Heemraad.”

“As an individual among the British Settlers, and as an Englishman, I cannot but feel abhorrence and disgust at the means which have been resorted to, in order to excite the sympathy of the public in their behalf ; and if the characters of the Settlers, as a body, are to be shamefully traduced, and their Magistrates libelled and calumniated, to gratify the personal hostility or party spirit of a self-elected Committee,

it then becomes an imperious duty on every honest mind to deprecate such proceedings, and to use every endeavour to prevent a generous public from being further imposed on by exaggerated mis-statements, and scandalous misrepresentations.

(Signed) “ R. GODLONTON.”

“ If Mr. Rutherford’s assertions be intended to exclude you from any participation in distributing the benefactions, you are, in my opinion, under great obligations to him. It will be an arduous, invidious, and (from the persons with whom you would necessarily be connected) a most unpleasant business. For my part, although I most sincerely desire the prosperity of the Settlers, I will not throw away a word of advice upon the junto ; if they be puzzled, as I believe they will, how to dispose of the money, they may throw it, for ought that I care, into the Great Fish River.

(Signed) “ W. BOARDMAN.”

It is not my intention, at this moment, to enter much into the question which is so peremptorily decided in these extracts from the letters of some of the Local Authorities in Albany ; another opportunity will soon occur, when this subject will be resumed with greater advantages than I at present enjoy ; but the charges which are here exhibited against the Committee, and I may add, against myself as an individual, are of so grave and serious a character, and may do so much harm if they are allowed to circulate without any correction, that I shall be excused if I take up a few minutes of the time of my Readers, before I leave this point. The distress of the Settlers is not only denied in these letters, but we are charged with having “ imposed upon a generous public, by exaggerated mis-statements, and scandalous misrepresentations.”

I am aware that unworthy expedients have sometimes been employed under similar circumstances ; that truth has been often sacrificed to effect ; but I am certainly not conscious, that any description of the Committee or of mine, was chargeable with these vices ; nor was it at all likely, after the pains and trouble taken by me, to acquire correct views of their

actual situation, that I should have been imposed upon, by the representations of the Settlers themselves, or of others.

Had I derived my information respecting their actual state, through any intermediate channel,—had I depended entirely upon the letters of the Settlers themselves to the Committee, craving relief ; or had I received, without examination, the stories told me by those who having fled from their locations, have visited Cape Town to obtain the means of subsistence, in the face of such assertions ; I might have been disposed to suspect, that I had allowed myself to be deceived. I am fully aware of the little dependence which is to be placed in common reports ; I am no stranger to the arts which are often employed to extort money from the credulous ; I was not ignorant that many who had left their locations and came to Cape Town, wanted a pretext to justify their conduct, and to exact money to keep them in idleness ; but the statements made by me at the Anniversary Meeting of the Society in 1823, had for the most part attached to them all the certainty derived from personal observation. I had compared the documents in the hands of the Committee, with the actual condition of the writers, or with the condition of the objects for whom they wished to awaken our sympathy, and I had seen with my own eyes, and heard with my own ears, the misery I then attempted to describe.

In 1821 I visited twenty-seven locations ; I spent a fortnight among the people ; I entered their houses ; I sifted their statements ; I saw their rough fare. In 1823, in company with Mr. Rutherfoord, I paid a second visit to Albany, and on a comparative view of the condition of the Settlers in 21 and 23, I am able to state, from information obtained on the spot, that though a great proportion of them had left their locations, the situation of such as remained could scarcely be said to be at all improved, by the great diminution which had taken place in their numbers. I found no one family in the locations I visited, that could have been said, in the intervening time, to have bettered its condition ; and I found many, who in 21 were above receiving assistance, though offered them in the most delicate way, now disposed to receive, with thankfulness, the smallest sums.

In 1821, many of those who had suffered severely by the

failure of the crops, were still extremely sanguine as to their future prospects ; but the confidence, which supported them at that period, had by this time, through repeated disappointments given way to apathy, not an unfrequent result of severe and painful suffering, or to a state of mind bordering on despondency. The greater part requiring assistance in 1821, though not all, belonged to that class that came out as servants, or to that description of people, whose previous habits unfitted them for the situation into which they were thrown, as Agriculturists in a new country. Previous to my last visit to Albany, in the end of 1823, and the beginning of 1824, both these classes had disappeared, and were seeking for the means of subsistence, or enjoying the fruits of their industry, in the Towns, or in the old Districts of the Colony. The Settlers now on the locations in Albany, are composed chiefly of the heads of parties, and of those that came out under nominal heads of parties, with a small property, to cultivate farms of their own, or to work upon a joint stock. After this statement it is unnecessary to say, that the people that are now in Albany, and calling for our sympathy, are generally speaking of a different class from those we had to relieve in 1822 ; and the difference in their original circumstances, is sufficient to explain their present situation. In the end of 1823 I did not find a single individual, who had originally come out as a servant, (not in personal, or family affliction, from protracted indisposition), calling for aid from the Committee ; but I found many of those who came to the Colony, with from fifty to five hundred pounds sterling, standing in need of assistance.

I might refer such as deny the sufferings of the Settlers, to the judicious Report which has been printed for 1824. I might refer them to the numerous letters which form an appendix to that Report, or I might pursue another course, and go over every passage of the Report, confirming its statement by facts collected in my journey through the different locations ; but I shall have recourse to a shorter method of proof, I shall select one of the largest of the locations as a specimen of the whole, and the location I mean to select is one of the most unexceptionable for this purpose, as it has been more praised for the industry of the people, and is still more populous than any other location I then visited. There is perhaps scarcely any one who has

visited the locations at an early period of their history, who has not admired the industry and general sobriety of the people at Salem.

When I visited this location in 1821, I was delighted and astonished at the exertions of the people. The original Settlers in this valley amounted, I believe, to eighty-six families, and in little more than 18 months, the people had for the most part, erected neat cottages ; and there was scarcely a house on the location which was not surrounded with a turf wall and ditch, enclosing gardens, and corn land. The neat dwellings, the regular enclosures, the spacious and excellent roads running through the whole line of the valley ; the herds of cattle grazing around the village occupying the people at sun-set in driving them to their enclosures, or draining them of their milk, and the activity and bustle which appeared in every direction, together with the decent clothing of the people, exhibited an appearance altogether so truly English in its character, and furnished such a contrast to the state of the country through which I had passed, that the whole scene operated upon me in a manner something like enchantment.

I spent a Sabbath in this place ; I preached to the people, and visited them in their houses, and I have seldom in travelling spent a Sabbath with greater satisfaction to myself. What was the condition of this location in 1823 ? Two-thirds of the former buildings were in ruins, the enclosures about the deserted houses were broken down ; the houses and fences which remained were mostly going to decay, the dress of the people was much altered for the worse by two years' wear ; their hopes and their cheerfulness had fled ;—of 86 families 32 only remained, and most of these continued upon the ground with reluctance and because they knew not where to go, and wanted the means to carry themselves, and their families, to places where they might better their condition.

From the first settlement of the emigrants in Albany, to the period I visited them in 1823, I believe not less than 2,000 of them had disappeared from their locations. Mr. Wilson's Party, and Mr. Bailie's Party consisted each, I believe, when first located, of upwards of eighty families, and of these 160 families, in the end of 1823, I did not find more than 40 families on both the locations. Could all this dispersion have taken

place had the people found the means of subsistence on their locations, and if they were driven from their locations for want of the means of subsistence, after having struggled so long and so hard to keep possession of them, could such an event have taken place without great previous sufferings ?

Notwithstanding this depopulation, Mr. Bailie recommends in a letter to a friend in Cape Town, the removing of the Settlers which remain on their locations in Albany, as the best thing the Society can do for them.

I am aware that a large share of the sufferings of the Settlers and the disappointment of their hopes, have been ascribed to their original habits, their idleness, and their other vices. Many of them brought up in London, and in other large towns in England, were doubtless but ill adapted for an agricultural life, particularly in a new country. Many of them, perhaps, left home with habits which would have rendered them miserable in any country. The causes of suffering have been often dwelt upon, but however much these circumstances may have contributed to swell the tide of suffering, at one period, the influence of these circumstances must in a great measure have ceased long ago. However ignorant many of them might be of agriculture on their arrival in South Africa ; and notwithstanding that their habits might have been originally alien to the life of an African peasant, they must have been very unapt scholars, if three or four years' sufferings, and attention to their gardens and fields, did not give them the skill and the habits of endurance their manner of life required. But the instance before us furnishes all the illustration necessary on this point. The Salem Party were denominated the religious party ; it was on this principle they associated together in London, and they brought a minister of the Gospel, the Rev. W. Shaw, along with them. I do not say, that there were no vicious individuals among them, but the very principle on which they united, furnished a pledge for their general sobriety and good conduct, and that pledge they have amply redeemed.

The effects of their industry during the first 18 months of their settlement, astonished most persons who visited them ; when I was there in 1821 their harvest had almost totally failed, but they were cheerful, resigned, and labouring in hope ; their schools, their love to their minister, their partiality

to Religious Society, and their attachment to the place of their location had determined the greater part of them, (as long as they could obtain the means of a scanty subsistence,) to remain on the place, hoping for more prosperous times.

Let such as ascribe the failure of the Emigrants' hopes entirely to the want of industry, and to vicious habits, account for the disappointment and dispersion of the Salem Party.

Had these charges emanated from insulated individuals, we might have safely passed them by without notice, but coming as they do from the Local Authorities of Albany, and published under the express sanction of the Government, I shall be excused, if before quitting this subject, I bestow a little more particular attention upon the manner in which they are expressed.

Mr. Austin informs us that he resides in the midst of the Settlers, and that it is his decided opinion, that they have received more attention and assistance, and particularly within the last twelve months, than their situation required ! If this be the case, then we may admit Mr. Austin's inference, "that the public has never been more imposed upon, than on this subject," but on such a momentous question, we require more than an assertion, and Mr. Austin has adduced no proofs. Will Mr. Austin state to us in what this excess of attention and assistance consists, and from what quarters it has been received ? We know that the Heads of Parties and the small capitalists who have sunk all their money in agricultural pursuits, have as yet had no assistance from the Society for the relief of distressed Settlers. Till we received our late remittances from England, and India, which have not yet been distributed, our funds were scarcely adequate to supply the widows and orphans, the sick and infirm, and when Mr. Austin wrote this letter, we had advanced no sums of money to individuals, excepting to a trifling amount, and those small sums were advanced in cases of urgent distress only !

Mr. C. Crause says, "the truth is that the only people distressed are some few of the more respectable class, who have spent their money in agricultural pursuits which have not answered their expectations," &c., &c. Does Mr. Crause mean to intimate by this mode of expression, that a few only, of the respectable class of the Settlers possessing money, have

failed in their agricultural pursuits? Will this gentleman have the goodness to name persons in this respectable class, who have succeeded in their agricultural pursuits? By saying that some few of this class had failed and lost their money in agricultural pursuits, Mr. Crause certainly means to insinuate that the great body of the Settlers have succeeded in those pursuits. Now I am certain that I am borne out by facts when I assert, that so far as agriculture is concerned, the object of the emigration to Albany has proved a total failure; and I shall be glad if Mr. Crause will point out one individual of the class he describes, who has not lost his money by his agricultural pursuits? Had Mr. Crause looked into the speech of Sir Richard Ottley, at the Annual Meeting of the Society, (September 1823,) he might have perceived that it was for that very class we called upon the public to afford assistance; but Mr. Crause has discovered that such an appeal was quite unnecessary, because they might still live by labor, but for their pride and inability. Supposing them to have physical powers to labor, and their pride the only remaining obstacle, they are of course according to Mr. Crause's reasoning, not to be considered as objects of sympathy; and it is, perhaps, under the influence of this sentiment, that Mr. Austin has told us, that the Settlers have had too much assistance, during the last twelve months.

But after having obliged those gentlemen, who formerly moved in respectable circles in England, to become labourers to Mr. Crause, and others, who bask in the sunshine of magisterial favor, what is to become of these broken-down gentlemen who are unable to work? Mr. Crause has not forgot to make provision for them also;—"There are few men, however decrepid they may be, who might not get their living by herding cattle or other easy employment." But what is to become of the wives and daughters of this respectable class? Mr. Crause has forgot to inform us what provision is to be made for them.

The Rev. Mr. W. Boardman says, "he believes we shall be puzzled how to dispose of the money,"—and adds,—that, "for ought I care, they may throw it into the Great Fish River." Mr. Boardman's sentiments appear to have experienced a great revolution since the end of 1823. On visiting

the mouth of the Kowie in my last journey to the interior, in company with Mr. Rutherfoord, we had scarcely landed from the boat when this gentleman came up to us, and taking me by the hand, informed me that he was proud to shake hands with the gentlemen who had so ably pleaded the cause of the poor Settlers, and defended them from the cruel aspersions thrown upon them. After a number of compliments, he assured me in the presence of Mr. Rutherfoord, that my statements respecting their distress at the annual meeting of the Society in September, were not too strong, and that he could have furnished me with many instances from his own observation equally strong with those I had brought forward on that occasion.

As a specimen of the fearless mode of assertion employed against us in this controversy, it has lately been asserted by a gentleman who terms himself a Settler, that, 1,000 or 1,500 Rix-dollars is sufficient to relieve all actual and real distress which now exists in Albany.

In reply to such an assertion, it is only necessary to look into the report of 1824; but it is not unworthy of notice in this place, that I believe on the same day in which this assertion appeared in print, 2,000 Rix-dollars were unanimously voted in our Committee to relieve urgent distress, and the greater part of that sum was sent to Albany.

With this glaring opposition of sentiment on this subject, it is easy to see what must have been the result of allowing all the Local Authorities to have been added to our Sub-Committee in Albany. The Committee made no objections to receive information from any of the Local Authorities, nor to have them as individuals added to the Sub-Committee; but the proposition of Mr. Bird to add to the Sub-Committee all the Local Authorities, was nothing short of excluding the Sub-Committee, and throwing all the management of the concern in Albany into the hands of the Local Authorities. From the official importance and numbers of the Local Authorities, even had the present Sub-Committee continued to act with them, which I am warranted in saying, would not have been the case, they must have carried every question in the Sub-Committee, and if this publication, and the propositions negatived at the Bathurst meeting are to be considered as a

fair criterion of the sentiments entertained by them, it is obvious they must have called for an appropriation of our funds altogether different from their original intention. Having appointed them to manage this concern, we must have received their statements, and have published them too, and we should have had no alternative but to have received their recommendations respecting the application of the funds : and any impartial reader is competent to decide with the Authentic Copies of a Correspondence &c. before him, whether in such an event, those funds must not have gone into other channels than those in which they are now flowing from the Committee in Cape Town, and which was the intention of the subscribers—the relief of the distressed Settlers.

What that application would have been, had Mr. Bird's motion been carried, may perhaps be inferred from a motion made in the Committee previous to the last public meeting, to lay out the whole sum as a fund, and circumscribe our expenditure to the interest of the original sum, and from a paper now lying upon the table of the Committee of the Society, recommending the investment of a large proportion at least, of the money collected, in a church, and an infirmary, and to purchase a ship. And it is deserving of particular notice, that those very extracts which I have made from this pamphlet, are assigned in this paper as the very grounds of this recommendation.

Before quitting this subject, I must be allowed to lay before my readers the following letter from Mr. Currie, containing an extract of a letter from Mr. Rivers, to that gentleman, with some extracts from letters contained in the last Annual Report of the Society, regarding the distress occasioned by the heavy rains which fell in the beginning of October, 1823, and which on account of the height to which they raised the rivers, and the damage they did to the houses and lands of the Settlers, have been emphatically termed by them, the flood.

Bathurst, 30 August, 1824.

SIR,—In reply to your letter of yesterday, I am to state, that the assertion made at a Meeting of the Settler's Fund at Cape Town, viz.—“That you had neither time or inclination to attend to or relieve persons in distress,” I consider to be totally

unfounded and false. In every conversation with me on the subject, you have always expressed the greatest solicitude to be made acquainted with, and to assist those who were in want. I have been directed by you, to report such cases of real distress as came under my notice, and I have invariably found you had both time and inclination to listen to them.

On the other side is an extract from one of your letters to me on the subject. I have &c.

(Signed) W. CURRIE.

H. Rivers, Esq., &c., &c., &c.

(Extracts.)

“Graham’s Town, 11 Nov. 1823.

“I am happy to say I have had *few* or *no* applications for relief, in consequence of sufferings or loss, from the late bad weather : but should you know of any case of real distress, where you think assistance would be well, and ought to be afforded, I shall be obliged by your informing me, that I may, if in my power, procure relief ;—I do not mean in money alone, but in meal, seeds for gardens, clothing, &c. as circumstances may be.”—*Extract of a letter from Mr. Rivers.*

I may add, in passing, that most of the locations in Albany, were visited by Mr. Rutherfoord and myself, little more than two months after this storm, and while its effects were yet visible, and I feel no difficulty in vouching for the accuracy of the expression in the following extracts, describing the general distress occasioned by this painful visitation of Providence.

The three following cases distinguished by the numbers 1, 7, 9, are taken from a list of persons, who had been recently relieved by one of the Sub-Committee residing in Graham’s Town, and published in the appendix to the Report of the Society for 1824. The figures have been substituted for the names of the parties relieved, on the commendable principle of delicacy to their feelings.

No. 1. “Had his house and its contents in a great measure destroyed during the storm in October, 1823. Every thing also which he had planted and sown, and which at that time was in a tolerable state of forwardness, was entirely swept away.”

No. 7. "The Caffres took away all his cattle, as with a stroke. His house was again destroyed by the storm ; and with his garden, containing the effects of his industry, and the stay of his offspring."

No. 9. "Likewise has taken refuge in Graham's Town, in order to obtain bread for his starving family. He has no cattle whatever, nor any means of getting any. The prospects of a harvest perished in the flood.

"THE REV. S. KAY.

"Graham's Town, 28 July, 1824."

Extract of a memorial of Sarah Cadle, dated Salem's Hill, near Graham's Town, 24 Oct. 1823. "That your memorialist (on whom the maintenance and support of six orphan children have devolved, by the sudden and awful death of her late husband, who was unfortunately drowned in attempting to pass a river while overflowing its banks, as the effects of the late rain in the afternoon of Saturday the 4th instant,) begs leave to present her case to your notice and commiseration," &c., &c.

"The late storm committed dreadful ravages on the property of many of the already distressed Settlers. I yesterday relieved some heart-rending cases, arising out of this calamity ; you will hear the particulars of this storm from other quarters ; after the cessation of about ten days, I really fear, from appearances, that it is commencing again, and I tremble for the consequences.

"THE REV. W. SHAW.

"Graham's Town, 23 Oct. 1823."

(Case of Wm. Griffiths.)—"Your petitioner having sustained a severe loss by the damage done to his house at Bathurst, by the late heavy rains, which has reduced it to so ruinous a state, that it must be re-built, at an expence of not less than 700 or 800 Rds.

"WM. GRIFFITHS.

"Bathurst, Nov. 23, 1823."

"Pigot Park, Albany, March 15, 1824.

"DEAR SIR,—You may remember when you were in this neighbourhood, the distressed state of Samuel Liversage, (the head of a party,) and Forester, one of his party. Their distress

has increased daily since that time, the former from having all the land he had brought into cultivation taken from him, the latter from not having the means to complete his house since its destruction by the late storm, &c.

“GEORGE PIGOT.”

(Case of Henry Lloyd.)—“I last year anticipated produce which would supply my family until the ensuing crops of Indian corn, solid-stemmed wheat, and potatoes, which have hitherto been sure crops, the flood destroyed the whole; nor have I the means, without assistance, to put seed in the ground this year.

“HENRY LLOYD.”

“Beaufort Vale, July 16, 1824.”

(Case of Mrs. Griffiths.)—“Her house has been twice nearly totally washed down by storm, which she has repaired by means arising from her almost unexampled industry.

“WM. AUSTIN, Heemraad.

“Bathurst, 15th August, 1824.”

Why Mr. Rivers should have had few or no applications for relief, in consequence of sufferings or loss occasioned by the storm, which took place in the beginning of October, 1823, I shall leave others to determine; but the above extracts published in the report of the Society for 1824, will show, that this circumstance on which Mr. Rivers congratulates himself, is not to be accounted for on the principle that there was no loss to repair, no distress to relieve in consequence of the above calamitous event, and the extracts here given, are a few only of the many distressing details which were received from Albany, shortly after the storm had subsided.

The writer of Mrs. Cadle's memorial, dated 24 Oct. 1823, speaks of the late rain in which her husband was drowned, on the 4th instant. On the 23d October, Mr. Shaw says in a letter, even from Graham's Town, the late storm committed dreadful ravages on the property of many of the distressed Settlers; he adds, I yesterday relieved some heartrending cases arising out of this calamity, and he speaks of its effects

at general, for he says, "you will hear the particulars of this storm from other quarters."

From the above extract it appears this storm happened early in October; on the 23d of the same month, Mr. Shaw in a letter dated from Graham's Town, says, "yesterday, I relieved some heart-rending cases arising out of this calamity;" and yet the Landdrost in a letter to Mr. Currie, dated 11 November, says, "I am happy to say I have had few or no applications for relief, in consequence of sufferings or loss from the late bad weather," &c., &c., &c.

It is to this state of things we are to look for an explanation of the surprise expressed by Capt. Crause, at the unexpected success of his mission as stated in the following extract in a letter of the Rev. W. Boardman, in the printed Correspondence.—"From Capt. Crause, who slept at our house last night, I have the satisfaction to learn, that he has hitherto succeeded in his mission beyond his expectations."

On the statement in this pamphlet, of the receipts and expenditure of the fund raised in 1822, immediately under the patronage of Government, I find little to remark.

In the figured account, the sum of 1352 Rds. is introduced, without any date, in the following manner:—

Articles prepared for distribution to women and children, the same as in August, 1822,—1352 Rds.

The Reader will not fail to remark, that they are said to be prepared only for distribution; that is to say, if words have any meaning, that these articles were not distributed when this statement was made in 1824.

The articles specified in this account, dated 20th August 1822, are said to have been for the use of the Lying-in Hospital of Settlers' Women in Albany, &c., &c., &c.

I shall leave the task to others, to reconcile the heading of this account, "for the use of the Lying-in Hospital, &c., &c., &c." with the following extract of a letter from Mr. Miles Bowker:—

"Oliveburn, Nov. 2, 1824.

"The Landdrost and the Rev. Mr. Geary, and myself, are charged with the distribution of the charity for lying-in women *at their own houses*, patronised by Lord and Lady Somerset, and others, which has introduced some sad cases to us, and it

is likely to be useful. Your more extensive means must do infinite good, and I am happy to act with such men as Mr. Shaw and Mr. Philipps."

I stated at the General Meeting of the Society for the Relief of Distressed Settlers on the 18th August, 1824,—“that a sum of money, amounting to 2400 Rds. which had been collected by another Society, under the immediate patronage of Government, (and to which the Committee of our Society had subscribed 300 Rds.) had been allowed to lay in the Bank unappropriated ever since December, 1822, a period of nearly two years, during which the sufferings of the Settlers were at the greatest height;” and the public must judge for themselves, from the following circumstances, what degree of credit is due to the authority on which this statement was then made.

Having been informed by two Gentlemen, that a large balance of the money collected in 1822 for the purposes specified in His Excellency's Proclamation, remained in the Bank unappropriated, I called upon Mr. Crozier, the Cashier of the Bank, on the 3d August, and received from himself the subjoined statement.

State of the Account at the Bank on the 3d August, 1824:—
4,252 Total amount collected. 1352 expended for Lying-in Women, &c., 500 remitted to the Landdrost, December, 1822, 2400 in the Bank on the 3d August, 1824.

If it is alledged that the whole sum had been already expended, though this balance was left in the Bank, the only reply that I shall at present make to this assertion will be found on referring back to the remarks made on the figured account, and in the following quotation from one of Mr. Rivers' own letters.

“With regard to the unappropriated surplus of the Subscription made in 1822, I have the honor to state, that I have been in total ignorance of any such surplus existing, as I applied in December of that year, for any sum which might be disposable after paying for the articles that had been ordered by His Excellency, to be provided for the relief and comfort of lying-in and sick women, to which object the subscription had been specially devoted, and then received 500 Rds. which have been appropriated; and that no communication of a further sum having accumulated in the Bank has been made known to me.”

APPENDIX.

Extract from an Address drawn up by Mr. Godlonton, to procure relief for the Harden family, confirming the account previously given, of the distress of that family, accompanied with a vindication of the character of Mrs. Harden ; to which is added, some facts confirming some of the statements given in the preceding pages. !

I have now before me the original address and subscription list which Godlonton takes credit to himself for having drawn up and put into circulation ; and it is curious to remark, after what he has said on that subject, that the list has neither his own name on it, nor that of the Landdrost.

The Reader will perceive by the following extract, that this address is written in a style very different from the style of Mr. Godlonton's letters to Mr. Rivers, in the printed Correspondence.

“ William Harding, residing at Cuylerville, with a wife and three children, a short time since, in attempting to lift a sack of vegetables, unfortunately twisted his entrails : that but little hopes are entertained of his recovery.

“ Whilst thus stretched upon the bed of sickness in the most excruciating torture, disease as the harbinger of death approached his cottage, laid its cold hand upon his children, and snatched one of them to a premature grave, in a dreadful state of putrefaction. His partner in life advanced in a state of pregnancy, but without any provision being made for such an event, and with the most delicate health, is compelled to witness her husband racked with the most violent torture, with the gloomy prospect of his being snatched away from her by death, without the means of supplying him with those comforts so essentially necessary to a person in such a situation, whilst herself and her remaining children are destitute of the common necessities of life.

“ Under these circumstances, a few friends, unsolicited by them, and even without their knowledge, have resolved to make their case known to a few kind and liberal individuals, that by a small subscription they may be prevented from sinking under such an accumulated load of human misery ;

assured that, however limited their means, they will give with cheerfulness, when they consider their liability to accident, and that their only asylum, under such circumstances, is the kind and feeling heart of their fellow creatures."

	<i>Rds.</i>		<i>Rds.</i>
A. B. Dietz	15	Andrew Conway	2
G. F. Pohl	15	Mr. Foley	2
A Friend	2	Mr. Guest	1
R. Wienand	5	John Armstrong	1
Mr. Nelson	5	Mr. Ford	2
N. Cumming	1	James Ford	3
J. Devine	3	Charles Stone	5
F. Blackbeard	1	P. Frayne	1
E. H. Hanger	10	Friend	2
H. Holland	2	William Bear	5
John Lawler	2	Mr. Ward	5
J. Marshall	1	J. Willis	10
F. Williams	2	Joseph Stevens	1
Mr. Knowels	1	Mr. Lannem	1
John Bertram	2	Mr. Rickets	2
William Currie	2	Friend	1
C. T. Thornhill (in rye)	5	Mr. Martin	2
Wm. Lloyd, Qr.-Mr. Sergt. 6th		Mr. Ogilvy	1
Regt. . . .	2	J. Ploughman	2
A. Macdonald	2	Js. Morecraft	1
Mr. Ross	1		

Total 129 *Rds.*

In reference to this case (the Harden's), I am authorized to add to what has been already stated,—that Mrs. Harden (now Fletcher) never received the twenty-five Rix-dollars Mr. Bailie says he was authorised by Mr. Rivers to give her,—the milch cow he speaks of,—nor the 50 Rix-dollars placed to her account in the printed Correspondence, as having been communicated to her through the medium of Mr. Bowker.

In vindication of the character of Mr. Bowker, I am authorised to state, that he not only never received the 50 Rix-dollars which he is said to have paid to Mrs. Harden, but that when asked by the Landdrost, whether she had received any money from the fund, he replied, that she had not, and at the same time reminded the Landdrost that he had written to him to request assistance for this family, and that his letter had never been answered.

Extract of a Letter from Albany, relating to the account of Expenditure, &c., &c., &c. published in the printed Correspondence.

Can anything be more glaring than sending for precisely the same quantity of things first supplied—many of them were evidently useless, as there was no Hospital to be fitted up. This being without a voucher is a little remarkable; and it may be doubted whether the best supplied store at Cape Town, could furnish an exact duplicate of such an extensive order at precisely the same prices.

Further Particulars in relation to the Distribution of the Money.

Extract of a Letter from Capt. Campbell, dated Graham's Town, 7th Nov. 1824.

“I can hardly imagine that Mr. Rivers would have inserted the following sums, if he could have foreseen that they would have been exposed to the public eye.

To cash paid Mrs. Armstrong	.	.	.	.	Rds.	5
„ „ Mr. Bowker, for Mrs. Harden	.	.	.	.	.	50
„ „ „ for distressed Settlers in his neighbour-						
hood	.	.	.	.	.	100
„ „ P. Adams.	.	.	.	.	.	50
„ „ J. Walker.	.	.	.	.	.	50
						<hr/>
						Rds. 255

“You will perceive that this sum (Rds. 255) makes *nearly one-third* of the sum which he states to have been distributed to the distressed Settlers; and we have *ascertained* that not one dollar reached the persons against whose names the sums are placed. We shall be able to learn by-and-by whether any further sums are in the same state.”

SIR,—Having seen the Landdrost of Albany's statement of distributions, made on behalf of the Benevolent Fund for the relief of poor lying-in women and distressed Settlers. I saw with astonishment, my name placed as having received, May 3d, 1823, Five Rix-dollars Four Skillings, which statement is entirely false; totally destroyed as my house was,

with all my corn, clothing, &c., in short every useful thing, I did not receive any assistance from the Landdrost, excluding half a muid of wheat. I am &c.

(Signed) GEORGE CLAYTON, James Richardson's Party.

And believe me, Sir, had I not been relieved by some neighbouring friends at that time, I must have been reduced to utter starvation.

Having been informed that my name has been inserted in an account of sums distributed to the Settlers, as having received the sum of Five Rix-dollars, I hereby declare that I have never received that or any other sum.

It is true that Mr. Onkruydt once offered me money, but I declined it, and told him, all that I called for was to receive my proportion of rice, as due to me in common, with the rest of the Settlers.

(Signed) CATHERINE ARMSTRONG.

Graham's Town, 5th Nov. 1824.

Extract of a letter from Mr. J. P. Adams, addressed to Mr. Rutherford.

"I hope you will be able, through the means of the Newspaper, to contradict Mr. Rivers's statement of having relieved me, by a gift of 50 Rds. from a fund established for the relief of lying-in women."

I the undersigned have received the under-mentioned articles of relief from the Landdrost of Albany :— lbs. Rice, None, $\frac{1}{4}$ lb. Tea, $1\frac{1}{2}$ lb. Sugar, $\frac{1}{4}$ lb. Sago, Money—none.

(Signed) THOMAS WALKER.

I the undersigned was with Mr. Walker, and received it for him, and weighed it for him.

(Signed) JAMES LANCE.

The above person came a distance of 20 miles, and remained four days at Lance's expence.

(Signed) THOMAS FRANCIS.

Graham's Town, Oct. 24, 1824.

[Enclosure 2 in the above.]

Letter addressed by HARRY RIVERS, ESQ. to the COLONIAL SECRETARY, in explanation of certain assertions and documents contained in the "Reply to a Pamphlet, entitled, Authentic Copies of a Correspondence."

CAPE TOWN, 10th January, 1825.

SIR,—I have the honor to acknowledge the receipt of your Letter, transmitting to me, by desire of His Excellency the Governor, the printed Reply of Dr. Philip to the Authentic Correspondence which took place in consequence of a Statement made at the Annual Meeting of the Settlers' Fund Society, in Cape Town, in August last; and I have the honor to state, that, as the Reply of Dr. Philip does not afford any proofs of the truth of the charges made by him sufficient to shake the evidence contained in the Authentic Correspondence, which has established incontrovertibly, that Relief had been afforded by the Local Authority in Albany to the Harden Family, and that the Landdrost had the warmest inclination to assist Distressed Settlers, I shall not comment thereon, but that I shall pass to the Appendix, being the only part of the Publication requiring my notice, as an attempt has been there made to invalidate the Account of Disbursements, entered in Page 54 of the Authentic Correspondence, as to the application of a Sum of Rix-dollars 829 : 2.

To the Extract in Page 29, and to the remarks on the altered style of Mr. Godlonton, and the non-addition of Mr. Godlonton's name to the List of Subscribers for the relief of Harden, I reply by a copy of Mr. Godlonton's own statement of the transaction :—

Graham's Town, 21st December, 1824.

SIR,—In reply to your inquiries as to the correctness of a statement signed D. Campbell, and purporting to have been made by Mrs. Harden, I have the honor to state that many particulars therein are erroneous.

Mrs. Harden, according to the statement furnished by

D. Campbell, is made to say, that she got a person to write to you for assistance, but getting no reply, she requested Mrs. Wakeford to ask me about it, and that I informed her I had spoken once or twice to you on the subject, but had received no answer :—with reference to which, I beg to state, that Mrs. Harden never informed me that you had been written to on the subject ; that the communication received by me was not a verbal one, but a letter signed by W. Harden, and written, as I have been lately informed, by Thomas Rowles, and which I immediately upon receipt thereof, handed to you, as stated in my letter in the printed Correspondence ; and when I waited on the Rev. W. Geary, which I did that moment by your order, I handed him the same document, and I have no doubt but that Gentleman, and Mr. Geary, who was likewise present, will, from recollection of the circumstance, be able to corroborate this fact. It is rather curious that Mrs. Harden should state, that I had once or twice spoken to you on the subject without making any allusion to the way in which I had received the information of her distressed situation. I have recently made inquiries among the persons who were neighbours of Mrs. Harden during her Husband's illness, and have been positively assured, that Mrs. Harden and her Family were never in want during that period ; and I may be allowed to state, that at the period of my visit, upon Mrs. Harden stating to me some little backwardness on the part of one or two individuals to grant them assistance, I immediately waited upon Mr. Wakeford, the acting Head of the Party, and the most opulent person in the immediate neighbourhood, and requested he would furnish them from time to time with any necessary they might be in want of, upon my personal guarantee ; and likewise afforded Mrs. Harden some pecuniary assistance, for the purpose of purchasing eggs, which she stated they were in want of. I am induced to mention this, having just seen a printed Statement of Dr. Philip, wherein he states, with reference to a certain Subscription, that it is curious my name does not appear to that List, and he therefore evidently wishes it to be inferred, that I did not contribute. But I would ask Dr. Philip, whether it is always necessary to publish an act of that sort ; and whether he is aware that I did afford pecuniary assistance as far as my limited means would allow ; and that

Harden died under the shelter of my roof, and was interred in my garden. I have &c.

(Signed) R. GODLONTON.

H. Rivers, Esq., &c., &c., &c.

This Letter, and that of Mr. Bailie (Enclosure L. in the Authentic Correspondence,) refute the statement of Mrs. Harden, and prove that immediate attention was shewn by me to Harden's application, and assistance afforded.

With respect to the milch cow, my order for its purchase is plainly avowed in Mr. Bailie's letter (Enclosure L.) ; and if Mr. Bailie did not make the purchase, I conclude he can give satisfactory reasons for not having done so.

As to the twenty-five Rix-dollars, it certainly appears by Mr. Bailie's receipt to the Landdrost to have been only twenty-two ; but it should be kept in mind that neither these twenty-two Rix-dollars, given under my order by Mr. Bailie to Mrs. Harden, or the twenty Rix-dollars paid to Lloyd, are charged in the account, but compose a sum due to me, in addition to what will hereafter appear to have been advanced by me.

Graham's Town, 11th Sept. 1824.

Received of Harry Rivers, Esq., Landdrost of Albany, the Sum of Rds. 42, for the use of the Widow and Family of W. Harden deceased, and Henry Lloyd and Family.

Rds. 22 for the Widow Harden,

„ 20 „ Henry Lloyd.

(Signed) JOHN BAILIE.

The fifty Rix-dollars, believed by me to have been paid to Mrs. Harden by Mr. Bowker, and consequently so stated, is a confusion of the Funds, as I had been informed, on authority on which I could rely, that such a sum had passed through the hands of Mr. Bowker, and been received by Mrs. Harden, and being ignorant that Mr. Bowker had the distribution of any other Fund than that received through the hands of Government, I was fully impressed with the conviction that it was from that Fund he supplied the fifty Rix-dollars.

The knowledge of Mrs. Harden having received relief, will also account for my not replying to Mr. Bowker's letter.

With regard to the Extract of a Letter (page 31,) from Capt. Campbell, relating to the following five items, viz. :—

	<i>Rds.</i>
To Cash paid Mrs. Armstrong	5
„ „ Mr. Bowker for Mrs. Harden	50
„ „ „ for Distressed Settlers in his neighbourhood .	100
„ „ to T. P. Adams	50
„ „ to J. Walker	50

To the denial of Mrs. Armstrong, I oppose the Certificate of Mr. Onkruydt, (District Clerk of Albany,) who declares to have himself given her five Rix-dollars from the Fund, in order to purchase Rice :—

(Copy.) I hereby certify, that I have a perfect recollection, that Mrs. Armstrong called at my Office, being desired thereto by Mrs. Rivers, when she stated the distressed state in which she and her family were laboring under, and when I gave her five Rix-dollars, from the Subscription Fund, to buy Rice with.

(Signed) M. J. ONKRUYDT.

Graham's Town, 21st December, 1823.

I have before admitted the error in the second item, arising from my confounding the two Societies, which the circumstance, unknown to me, of Mr. Bowker being employed in the distribution of the Funds of both Societies had occasioned, and it has been proved that Mrs. Harden had been generally relieved, and that she received fifty Rix-dollars, though not, as I had supposed, from the Fund in Albany.

From the same cause also, I erroneously considered the sum of about 100 Rds. as having been disposed of in small donations by Mr. Bowker, and to be placed to the Albany account, but it has not been distributed, and Mr. Dyason has a balance which he acknowledges, of 150 Rds. in his hands, arising out of the 500 Rds. the only sum received by me, and which I placed in Mr. Dyason's hands, as Secretary to the Committee at Graham's Town. This balance corresponds with the two sums considered by me to have been distributed, and is to be accounted for by Mr. Dyason.

The underwritten letter will prove, that fifty Rix-dollars have been paid to T. P. Adams, and to J. Walker, which sums,

so advised by me in December 1823, were carried to the account of the Fund by the Authorities in Cape Town.

Graham's Town, 2nd December, 1823.

SIR,—I have the honor to acquaint you, for the information of His Excellency the Governor, that in consequence of the heavy losses experienced by the undermentioned persons during the late rains, I have afforded them pecuniary assistance, to enable them to repair their damages, &c. Messrs. Collis and Pawle have entered into Notarial Bonds for the repayment, with interest, of the sums advanced to them.

I have drawn on the District Agent for the following amount, and have the honor to request, that His Excellency will order a Warrant to be passed for the sum of Rds. 1,050, to enable him to meet these Drafts.

J. Collis	Rds. 600
T. Pawle	200
T. P. Adams	50
J. Walker	50
B. Burnett	150

I have &c.

(Signed) HARRY RIVERS.

Lieut. Col. Bird, &c., &c.

The three last sums were placed to the Subscription Fund by the order of Government.

The sum of 200 Rds. was shortly afterwards lent by the Government to T. P. Adams, for which he passed a Notarial Bond, and I hold Adams' receipt for two hundred and fifty Rix-dollars paid to him by me in December 1823.

To George Clayton, by his own acknowledgement, was delivered, Half a Muid of Wheat, at the rate of eleven Rix-dollars per Muid.

Referring to the account, (Page 54 of the Authentic Correspondence,) there appear Disbursements paid by, or due from, me, to the amount of Rix-dollars 829 : 2. From this amount I deduct the sum of Rds. 250, carried to the account in Cape Town, which leaves a remainder of Rix-dollars 579 : 2 as the sum disbursed in Albany. I received from the Fund Rix-

dollars 500, which I deposited with Mr. Dyason, as Secretary, who has Rix-dollars 150 in hand unappropriated, sufficient to discharge what were computed to have been the disbursements of Mr. Bowker ; and, consequently, with the uncharged 22 Rix-dollars paid to Mr. Bailie, for Mrs. Harden, and the 20 Rix-dollars for Lloyd, there is a balance of 121 Rds. 2 Sk. still due to me, instead of there being a surplus of 255 Rds. in my hands.

The result of the whole account, therefore, is, that the over-payment made by me of 121 Rds. 2 Sk. and the over-expenditure in the officially printed Account, signed by the Acting Colonial Secretary, of 130 Rds. 1 Sk., making a total of 251 Rds. 3 Sk., surpass the non-distributed amount of 150 Rds. in the hands of Mr. Dyason, leaving an excess of 101 Rds. 3 Sk. still due on account of the Disbursements made from the Subscriptions for the Distressed Settlers in Albany.

Trusting that the Statement which I have now the honor to submit, will be satisfactory to His Excellency the Governor,

I have the honor &c.

(Signed) HARRY RIVERS.

To Sir Richard Plasket, Secretary to Government.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT HORTON, ESQRE.

CAPE OF GOOD HOPE, 20th July 1825.

MY DEAR SIR,—I have to return my acknowledgements and thanks to you for your Letter of the 30th April, and to assure you that I shall use every exertion in my power to keep you constantly informed upon all Points connected with this Colony which are likely to become subjects of discussion in Parliament or of reference to your Office.

I regret that you should have been so plagued with the various grievances and remonstrances of Messrs. Burnett, Greig, Cooke &c., who appear to have joined in a Band together to

make a general attack upon Lord Charles. I shewed your Letter to His Lordship, and he has been employed ever since in preparing explanations of the several cases alluded to, and which you ought undoubtedly to have been earlier provided with.

I have in a separate letter recommended a proposal which I think will save all Parties much unnecessary trouble for the future. As to the past you will by this opportunity receive full explanations from the Commissioners of Enquiry on the Cases of Cooke, Wilmot, and Francis, independently of Lord Charles' replies, which are not yet wholly completed.

The only fear I have of our getting into Scrapes here, is through our Judicial Proceedings, the Law itself is so uncongenial to British feelings, the Composition of the Courts is so irregular and so inefficient, and the practice under them is so mismanaged that I see no end to grievances when a *clever fellow* comes under their lash, so long as the present system exists. An English Chief Justice of high character and a more efficient lot of Judges and law officers is absolutely necessary to keep this Colony in a state of tranquillity. If we had such a Man as Mr. Bigge at the Head of our Law Department here, everything would go on well. And if his state of health will not allow of his going to the Eastward, and you could induce him to remain for five or even three years here as Chief Justice, it would be rendering a lasting Benefit to the Colony.

I gave the Commissioners your Message, which made them *prick up their ears* a little. In fact they have gone the wrong way to work, and have lost much valuable time in going into details which will probably lead to no result, and which certainly are of insignificant importance when considered with reference to the Establishment of the Government itself, and in the overhauling of which they would have found plenty of grave and important work for them. This will of course come at last, but my anxiety has been to receive the Decisions of Government upon their Report, before they had left the Colony, in order that we might have had a clear view of their Intentions in carrying their plans into effect.

I have sent some Comments under cover to Smith relative to two troublesome fellows in Albany, nearly the only ones now who bother us: a Mr. Mahoney and a Mr. Stanley,

together with the Report of Mr. Hayward, the Special Commissioner, on the Case of Mr. Erith who has left the Colony and will I daresay find his way to Downing Street.

As to Mr. Rivers, I have already stated my opinion of him. I trust he is going on better at Swellendam, but his excessive Indolence and unpardonable neglect in money matters had brought the District of Albany into a state of general dissatisfaction and confusion. I have &c.

(Signed) RICHARD PLASKET.

[Copy.]

Letter from the Secretary to Government to the Military Secretary.

COLONIAL OFFICE, 20th July 1825.

SIR,—His Excellency the Governor being of opinion, that under the peculiar circumstances in which Mrs. Erith is placed as stated in the accompanying certificate, the balance due to her husband on account of rations by the Commissary General's Department may be paid over to her, on her giving a receipt for the same, I am directed by His Excellency to request you will move the Commander of the Forces to give the necessary instructions to the Commissariat Department accordingly.

I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 21st July 1825.

MY LORD,—Referring to the letter I had the honor to address to Your Lordship on the 7th June 1825, soliciting Your Lordship's early appointment of a Chaplain at Graham's Town, I have the honor now to state to Your Lordship that

thing connected with this Service, and having been pleased to nominate you to that office with the title of Superintendent of Government Buildings I am directed to furnish you with the following Instructions for your guidance in the execution of the duties entrusted to you.

1st. It will be your duty to inspect the Government Buildings from time to time and to report to me for His Excellency's information such alterations or repairs as you may deem requisite for the due preservation thereof.

2nd. In the event of any Government servant inhabiting a House belonging to Government or of any Head of a Public Office applying to Government for alterations or repairs in such Houses or Offices, or for supplies of Furniture &c. for the public Service, such application will be sent to you, with Instructions to inspect and report thereon.

3rd. Previously to any Service being undertaken you will submit to me for the approval of His Excellency the Governor an Estimate of the Expense thereof and if such Estimate be sanctioned you will be furnished with a printed authority for commencing the work together with an annexed copy of the Estimate; and without such authority no work is to be undertaken by you.

4th. No Estimate when once sanctioned must be exceeded, and should any circumstances arise to cause an additional Expenditure to complete the Service which has been undertaken, you will explain these circumstances to me for the Governor's information and frame an Estimate of the additional Expense required and which when sanctioned will be returned to you with a second printed authority having reference to the former one, and until this be received no additional Expense must be incurred.

5th. The Estimates submitted for approval must fully enumerate the nature and quantity of the different materials, workmanship and labour required for the Service specified; also the cost of any articles which may be supplied from the Government Stores or Military or Commissariat Departments.

6th. Annual Estimates of the works proposed to be undertaken during the ensuing year, the expence of which may exceed Two Hundred Pounds Sterling, must be laid before His Excellency the Governor on or before the 1st of July of each

year, in order that the necessary reference to England for the sanction of His Majesty's Secretary of State may be made, and monthly Estimates to be made up at the end of each month for all works proposed for the ensuing month, must be transmitted to the Secretary to Government.

7th. The Stores, Materials &c. belonging to the Department of the late Inspector of Buildings will be placed under your charge, and it is expected you will be able to furnish every information that may be required relative to the works conducted under your superintendence, and you will be held responsible for the safety of all stores committed to your charge and for the due appropriation of the Expenditure incurred in your Department, for which purpose the strictest attention must be paid in keeping the different official Books and Documents as follows :

A Store Ledger to be ruled according to the enclosed Form A and balanced periodically.

A Day Book of the Receipts and Issues and the different Items it contains must be duly posted in the Store Ledger.

A Check List Book of the overseers, artificers and Labourers employed by you according to the Form B from which the Pay Lists are to be formed.

A Distribution Book shewing the number of Men daily employed and on what Service.

A Pay List Book to contain True Copies of the different Pay Lists which are to be made according to the Form marked C.

A Letter Book.

8th. The detailed Plans and Sections of the various Public works carried on must be made and deposited in your office, and you will be liable to be called upon to provide the necessary plans and Instructions for the erection of Public Buildings &c. in any part of the Colony, although the execution of them may not fall under your personal Inspection.

9th. In order to guard against the possibility of any Estimate being exceeded a Return must be forwarded to the Colonial Office by you at the end of each Quarter according to the Form D, and it is clearly to be understood that any Expence which may be incurred, without proper authority, or any deficiencies of Stores which may be discovered will immediately be charged against you Individually.

thing connected with this Service, and having been pleased to nominate you to that office with the title of Superintendent of Government Buildings I am directed to furnish you with the following Instructions for your guidance in the execution of the duties entrusted to you.

1st. It will be your duty to inspect the Government Buildings from time to time and to report to me for His Excellency's information such alterations or repairs as you may deem requisite for the due preservation thereof.

2nd. In the event of any Government servant inhabiting a House belonging to Government or of any Head of a Public Office applying to Government for alterations or repairs in such Houses or Offices, or for supplies of Furniture &c. for the public Service, such application will be sent to you, with Instructions to inspect and report thereon.

3rd. Previously to any Service being undertaken you will submit to me for the approval of His Excellency the Governor an Estimate of the Expense thereof and if such Estimate be sanctioned you will be furnished with a printed authority for commencing the work together with an annexed copy of the Estimate; and without such authority no work is to be undertaken by you.

4th. No Estimate when once sanctioned must be exceeded, and should any circumstances arise to cause an additional Expenditure to complete the Service which has been undertaken, you will explain these circumstances to me for the Governor's information and frame an Estimate of the additional Expense required and which when sanctioned will be returned to you with a second printed authority having reference to the former one, and until this be received no additional Expense must be incurred.

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year, in order that the necessary reference to England for the sanction of His Majesty's Secretary of State may be made, and monthly Estimates to be made up at the end of each month for all works proposed for the ensuing month, must be transmitted to the Secretary to Government.

7th. The Stores, Materials &c. belonging to the Department of the late Inspector of Buildings will be placed under your charge, and it is expected you will be able to furnish every information that may be required relative to the works conducted under your superintendence, and you will be held responsible for the safety of all stores committed to your charge and for the due appropriation of the Expenditure incurred in your Department, for which purpose the strictest attention must be paid in keeping the different official Books and Documents as follows :

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8th. The detailed Plans and Sections of the various Public works carried on must be made and deposited in your office, and you will be liable to be called upon to provide the necessary plans and Instructions for the erection of Public Buildings &c. in any part of the Colony, although the execution of them may not fall under your personal Inspection.

9th. In order to guard against the possibility of any Estimate being exceeded a Return must be forwarded to the Colonial Office by you at the end of each Quarter according to the Form D, and it is clearly to be understood that any Expence which may be incurred, without proper authority, or any deficiencies of Stores which may be discovered will immediately be charged against you Individually.

10th. Herewith you will receive a List of the fixed Establishment of your office, and you will forward your accounts to Government every Quarter dividing the same into three Heads :

1st. Fixed Establishment.

2nd. Fixed Contingencies.

3rd. Unfixed Contingencies.

I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

[Original.]

Letter from MR. BISHOP BURNETT to R. W. HAY, ESQRE.

BROWN'S HOTEL, WESTMINSTER, 21st July 1825.

SIR,—I am really at a loss for terms in which to express my surprise at your communication of the 12th Instant, so imperative does every just and impartial consideration make it upon Earl Bathurst to permit my return to the Cape of Good Hope and so afflicting is it to perceive the fallacy of calculating upon the influence of such motives.

If it is a principle of Government to further research into abuses and facilitate the exposure of delinquency, this principle is at once violated by his Lordship's refusal, and from motives so manifestly originating in the exhibition of my charges against His Excellency that no one hesitates for an instant in ascribing it to a determination on the part of Earl Bathurst to screen His Excellency from the consequences of investigation into his conduct by throwing obstacles into the way of his accusers. I am satisfied that Parliament and the Country will regard it in no other light, if even divested of the confirmation Earl Bathurst has himself given it by his proposition for my qualified return to the Cape before I presented my Petition to the House of Commons.

If Earl Bathurst sincerely intends a formal scrutiny into the conduct of Lord Charles Somerset, he should set out with impartiality at the least, and not leave it to his Excellency's accusers to say that they had no obstacle to encounter but the

injustice of the Colonial Department. Its impolicy on the other hand is equally manifest, because, as none of the parties promoting this inquiry are actuated by vindictive feelings or the mere motive of bringing obloquy upon a member of the house of Beaufort, it is absolutely entailing a consequence which might be otherwise averted, for I am most solemnly determined that if it is intended to carry Lord Charles Somerset over this ordeal with the least disposition for my sacrifice, this policy shall be completely frustrated.

I am aware of its unfortunately happening in my case that the more unanswerable my pretention to return is, the more it will be opposed by Earl Bathurst, altho' in eternal reproach to the administration at the Cape his Lordship only recognizes me an exile by my own report, so that I am loth to urge arguments which, while they establish its necessity, do but give it increased emotion. Thus, I am in the extraordinary predicament of not daring to detail incontestable reasons why a request should be accorded from sheer apprehension of proving them incontestable.

When I state that there are Colonists at the Cape prepared and anxious to produce evidence to me which they have not thought proper to lay before the Commissioners of Inquiry, it will be scarcely necessary to add that I decline recording any further complaints against His Excellency Lord Charles Somerset the Governor of the Cape of Good Hope to Earl Bathurst the Secretary of State for the Colonial Department, with any, the remotest, reference to investigation in that Colony.

If Earl Bathurst, in allowing my return is restrained by no other scruple than his constitutional deference to a judicial sentence, altho' he professes to be acquainted with it only from myself, and that sentence is declared by Mr. Brougham in the House of Commons to be itself ground for impeaching Lord Charles Somerset, surely he will not prevent that return if it can be so modified as not to infringe any Colonial ordinance or proceeding whatever.

I have then to ask whether Earl Bathurst will allow me to proceed to Table Bay, there to continue afloat under such surveillance and during such period as his Lordship may be pleased to prescribe for the collection of evidence in proof of

my charges against Lord Charles Somerset, for the adjustment of my private affairs, trammelled by persecution, and the recovery of property most nefariously sequestrated by judicial corruption through the direct instrumentality of Lord Charles Somerset. If his Lordship refuses this, the public must of necessity become henceforth the Judge between Lord Charles Somerset and myself, and I shall commence my appeal to it by the publication of this Letter. I am &c.

(Signed) B. BURNETT.

[Copy.]

*Report of the COMMISSIONERS OF INQUIRY to EARL BATHURST
upon the complaints of Mr. Lancelot Cooke.*

CAPE TOWN, 22 July 1825.

MY LORD,—In obedience to your Lordship's instructions, dated 30th January last, giving cover to two Memorials of Mr. Lancelot Cooke to the Lords Commissioners of His Majesty's Treasury, and which were received by us on the 29th April, we have proceeded to examine the complaints made by Mr. Cooke, of the conduct of Mr. Blair, the Collector of Customs, in the removal of one Prize Negro from his service, and the disposal of others; and we have also collected information respecting the nature of the proceedings instituted against Mr. Cooke, for writing and publishing a libel against the Collector.

The connexion of these circumstances with two leading subjects of inquiry pointed out to us in your Lordship's general instructions of the 18th January 1823, had induced us to obtain some general information, previous to our departure for the interior districts in November 1823, respecting the disposal and treatment of Prize Negroes in the colony; and the notoriety of the circumstances attending Mr. Cooke's prosecution had also drawn our attention to that subject. His acquittal by the court of justice from the charge of libel, and the appointment, by the Governor, of a committee to inquire into the conduct of the Collector, appeared to us to supersede the necessity of our making any special communi-

cation of these subjects to your Lordship, and we are not aware that Mr. Cooke ever addressed any complaint to us, or expressed a wish that either the proceedings instituted against him, or his complaint of the conduct of the Collector, should be taken up as matters of personal or public grievance.

We have lately ascertained, indeed, that Mr. L. Cooke had made an application to the deputy Fiscal, for the institution of a criminal proceeding against Mr. Blair, and that he afterwards withdrew it by the advice (as he said) of Mr. Wm. Edwards, who recommended him to address his complaint by way of memorial to the Lords Commissioners of His Majesty's Treasury.

The Committee appointed to inquire into the conduct of Mr. Blair, summoned Mr. Lancelot Cooke, to afford them information respecting the alleged abuses in the disposal of Prize Negroes, but Mr. Cooke having objected to come forward unless he was allowed to be assisted by counsel, and to cross-examine the witnesses, and, upon the court's overruling this objection, having again declined to bring forward witnesses before the Court of Inquiry, pending the discussion of an important question that had been raised by himself and Mr. Edwards, and which was then before the Court of Appeals, the members of this Court of Inquiry resolved to report to the Governor, that they were thus deprived of the means of strictly examining and inquiring into, or of recording in their proceedings any conclusive opinion respecting the several acts of corruption of which Mr. Blair stood accused in the Memorial of Mr. Cooke.

As one of these transactions took place previous to our return from the country districts, and as we found upon our arrival in Cape Town that Mr. Lancelot Cooke had been acquitted of the libel, and had proceeded to England with an intention of submitting his statements to the Lords Commissioners of His Majesty's Treasury, we did not think it incumbent upon us to do more at that time than to insure the preservation of the evidence upon which we understood that it was Mr. Cooke's intention, and that of his advisers, to have proved the truth of the allegations of his Memorial, if the decision and acquittal of the Court of Justice had not prevented him from resorting to it.

With the impression that Mr. Cooke had not been mistaken in the course that he pursued, of presenting a Memorial to the Lords Commissioners of His Majesty's Treasury, respecting the conduct of the Collector of Customs in the disposal of Prize Negroes, and that it belonged to the colonial Government, in the first instance, to institute effectual inquiries into the truth of grave charges preferred against its officers for the abuse of the powers intrusted to them, we forbore to enter fully into the subject until we should have disposed of others that claimed our more immediate attention, or until we completed the general inquiry that we had already commenced into the state and treatment of the Prize Negroes, to our knowledge of which, the numerous complaints addressed to us by the Prize Negroes themselves were making some new, and frequently important, additions.

Having thus explained our reasons for not making an earlier communication to your Lordship of the nature of the charges preferred by Mr. Cooke against Mr. Blair, and of the judicial proceedings instituted against him, we proceed to lay before your Lordship our report upon the evidence that we have collected upon both these subjects.

We will first proceed to the examination of the case of Jean Ellé, who, it appears, was taken on board the French sloop *Le Victor*, on its passage from the Isle of Bourbon to Mauritius, in the year 1810, and condemned as a Slave, to be forfeited to His Majesty, by a sentence of the court of Vice Admiralty in this colony, dated 23rd January of the same year.

Having observed in the Memorial of Mr. Cooke, a statement of the grounds upon which Jean Ellé asserted his claim to freedom, and that they had excited in his mind a greater degree of sympathy in his condition, we questioned Jean Ellé upon the subject. The account that he has given us accords with the notarial declaration that he made when Mr. Cooke was preparing his proofs for transmission to the Lords of Treasury; but it differs with that which he appears to have given to Mr. Thompson (the late partner of Mr. Cooke) and who took an equally kind interest in his fate; and it is entirely contradicted by the answers of the master and those of the mate of the ship in which he was taken. A copy of these answers, extracted from the proceedings of the court of Vice

Admiralty, we have the honor to annex ; and it is there sworn by the first of these two persons, that Jean Ellé, then named Jean Marie, with three other black people, were especially committed to the master's charge, for the purpose of being conveyed from the Isle of Bourbon to their masters, who resided at the Mauritius, and whom he named, and that they were known to be Slaves. The mate swore, that he believed the four people above named to have been Slaves, that they were treated as such on board the ship, although they were there only as passengers.

Considering that the communication between this Colony and the Isle of Bourbon has been open since the year 1815, and that it was competent to Mr. Cooke to have ascertained the truth of Jean Ellé's claim to freedom, by referring to the books of a public establishment in the Island, in which he asserted that the freedom was recorded, we are disposed to doubt the truth of the assertion, more especially as Jean Ellé very lately acknowledged in our presence that he had no other grounds for believing himself to be free, than that his father had told him so.

After his condemnation as a Slave by the sentence of the court of Vice-Admiralty, he was apprenticed to a Dutch inhabitant, but, on account of the ill-treatment that he experienced, was taken by an Englishman, and a civil servant of the Government, and after passing from his service to that of two other individuals, came at length to that of Mr. Samuel Murray, of Cape Town, a merchant who had been unfortunate, and who appears, latterly, to have derived his principal support from the hire of several Prize Negroes, assigned to him by the Collector of the Customs.

The Prize Negro Jean Ellé was hired out in this manner by Mr. Samuel Murray, to Messrs. Knubley and Thompson, merchants of Cape Town, for the sum of thirty-five rixdollars per month, which at first was settled in account between them. Upon the retirement of Mr. Knubley, Mr. Cooke entered into partnership with Mr. Thompson, and they continued to account jointly for the hire of Jean Ellé to Mr. Samuel Murray, until the death of the latter in August 1823.

Upon an inspection, at the Custom-house, of the Prize Negroes that had been assigned to Mr. Samuel Murray, Jean

Ellé was produced, and appears to have attracted the notice of Mr. Blair, who recognised him as a cook, and as living in the service of Messrs. Cooke and Thompson. In a short time afterwards inquiries were made after him, through the officers of the police, and at length orders were received by Messrs. Cooke and Thompson, from the Collector and Comptroller, to send Jean Ellé to the Custom-house. The reluctance of the man to leave their service, his good behaviour in it, and the short period that yet remained of his term of apprenticeship, (which expired in the month of March 1824,) induced them to make strong representations to Mr. Pigou, the intended assignee, of the services of Jean Ellé, accompanied with an offer to provide a substitute for him. Finding themselves unable to accomplish this object, a proposal was made to Mr. Pigou by Mr. Cooke, to receive a monthly payment of Jean Ellé's wages, in substitution of his services. With feelings of indignation at such a proposal, Mr. Pigou communicated it to Mr. Blair, and according to the notarial declaration of Mr. Cooke and the evidence of his confidential clerk before us, Mr. Blair, instead of listening to the explanation intended to have been offered by Mr. Cooke, for the delay that had taken place in complying with the orders for the appearance of Jean Ellé, addressed him in the very vehement and violent terms that are described in Mr. Cooke's Memorial.

For this affront Mr. Cooke applied to the Deputy Fiscal for redress ; and in consequence of the advice that he received from Mr. Edwards, and to which we have before adverted, he was induced to withdraw the prosecution, after Mr. Blair had already been summoned to answer in person. Upon these facts we beg leave to observe to your Lordship, that the complaint of Mr. Cooke against the Collector rests upon two grounds, first, that of personal affront and insult to him at a time in which he intended to offer explanation of an apparent inattention to the Collector's orders ; and secondly, the removal of the Prize Negro from the service of himself and Mr. Thompson, in which he was happy and contented, to that of Mr. Pigou, a near connexion of the Comptroller of Customs, for whose service he had manifested the greatest aversion, and at a period when he was perfectly competent to provide for his own support.

Upon the first point we shall submit our opinion when we consider the proceedings instituted against Mr. Cooke. The second point appears to us to depend upon the intention with which the power of apprenticing Prize Negroes has been conferred upon the Collector of Customs, and to the effect that may be attributed to the sixth clause in the Order in Council, which confines the power of reapprenticing them to cases wherein, by reason of the death or absence of the master or any other cause, they may be thrown out of service before they had acquired knowledge enough to gain their own support.

We apprehend that the general intention of the Order in Council dated 16 March 1808, making provision for the Negroes that should be taken and condemned as forfeited to the Crown under the Acts of Parliament passed for the Abolition of the Slave Trade, was to enable them to acquire such a degree of practical instruction from the masters to whom they were assigned, as would enable them at a future period to support themselves; with this view the extent and duration of the period of their service were to be regulated by a reference to their age, skill and strength, and in case of any contingency happening by which they should be thrown out of service or employment before they had acquired the means of their own support, a power was given to the Collector of the Customs to reapprentice them to some other master in the same trade or calling, for any term which, on being added to that part of the first indenture, should not exceed fourteen years.

It appears to us, therefore, that the power of apprenticing a Prize Negro in the first instance, or of reapprenticing him afterwards to another master, was intended to be conferred on the Collector of Customs for the benefit of the Negro alone. In the first instance it was to be guided by a reasonable calculation of the natural and physical powers of the Negro; in the second instance it was, as we conceive, strictly to be limited by the progress he had made in the useful application of them; if he was found to be competent to provide by his labour for his own support, the interference of the Collector was to cease, and the object of the Act of Parliament, in making him an apprentice, was satisfied.

In applying this reasoning to the facts of the case now under consideration, we beg leave to observe, that at the period of

Mr. Samuel Murray's death, the Prize Negro Jean Ellé was and had long been perfectly competent to maintain himself, and that the Collector of the Customs had an opportunity of informing himself of this fact, by the personal inquiries that he made respecting his employment and condition when he was sent to the Custom-house to be inspected with the other Prize Negroes of Mr. Samuel Murray.

In considering the comparative advantage that would accrue in this instance to the Negro, by being allowed to remain in the service of masters to whom he was attached and by whom he had been so well treated, and that of being transferred to the service of an entire stranger, we do not think that any difficulty could exist, more especially as the remaining period of his apprenticeship expired in six months after the transfer, and as he availed himself of the first moment after its expiration to return to the service of his choice, and to quit that which he had been most reluctantly compelled to enter.

In point of pecuniary advantage, the two services were nearly balanced, for we do not find that Messrs. Cooke and Thompson paid any hire for Jean Ellé after the death of Mr. Samuel Murray, his last master, nor that they made him a larger weekly allowance than that which was given him by Mr. Pigou, who in other respects treated him well.

Without insisting further on the superior advantages of a service, in which the relation of the master and servant is founded upon the basis of reciprocal attachment, and of one wherein it is supported only by coercion and counteracted by a strong sense of hardship and injustice, we cannot but observe, that according to the construction that we think ourselves warranted in giving to the 6th clause of the Order in Council, the Collector of the Customs was not justified in reapprenticing Jean Ellé to Mr. Pigou or to any other person, or in removing him from the service of Messrs. Cooke and Thompson, where, it is undeniable that if he had been a free agent, he would have been able to acquire the same ample means of supporting himself that he enjoys at present (together with his subsistence,) in the receipt of 35 rixdollars per month.

Before we quit this part of the subject, we think it right to observe, that in his answer to the statement of Mr. Cooke that we submitted to the Collector of the Customs as well as to the

Comptroller, the former declares that he has not considered himself authorized to remit, under any circumstances, the period of apprenticeship. Without entering into any remarks upon the motives that may have induced the Collector to exclude all consideration of the clause in the Order in Council that we have referred to, we will only add, that the instances are numerous and of daily occurrence, in which Prize Negroes, who are perfectly competent to support themselves, are reapprenticed by the Collector and Comptroller, and become a source of profit in the hands of poor masters, who derive considerable profit, if not their principal subsistence, from hiring out the Negroes to other persons.

We observe also, that the Collector claimed a right of recalling the services of Jean Ellé, in consequence of having been assigned to Messrs. Cooke and Thompson without his knowledge, and in violation of the prohibitory clause in the indenture of this person, in which, as in all other indentures of Prize Negroes, the masters are prohibited from transferring their apprentices to another, without the licence and consent of the Collector. The object of this provision is obviously intended to prevent the Prize Negroes from falling into the hands of improper or cruel masters. But we conceive that in the instance of Jean Ellé, the prohibition was perfectly inapplicable. Upon the death of Mr. Samuel Murray, the Collector ascertained in whose service he was, and as no objection was ever made by him to the character of Messrs. Cooke and Thompson, or to their treatment of Jean Ellé, he must have been satisfied, that for the short term of service that was yet unexpired, his situation with them was beneficial, and required no alteration. Upon this ground, therefore, we consider that the Collector ought to have abstained from removing Jean Ellé from the service of Messrs. Cooke and Thompson, and might, we think, with propriety have required them to deposit in the Savings Bank, for his benefit, the wages that were due from the death of Mr. Murray, and that might become due until the expiration of his term of apprenticeship.

Instances certainly have occurred, in which the Collector and Comptroller of the Customs, upon the death or departure of the masters of Prize Negroes, have consulted the wishes of the surviving or remaining members of the family ; in the present

instance, however, we are compelled to state, that no other motive appears to us to be assignable for the removal of Jean Ellé from the service of Messrs. Cooke and Thompson, than the desire of accommodating a near relation of the Comptroller with a good servant.

In pursuing the second subject of charge made by Mr. Cooke against the Collector of the Customs, we think it right to explain, that after the former had determined to relinquish the criminal action against the latter, he availed himself of the assistance of Mr. W. Edwards, a person who had been lately admitted a notary public, and procured the declarations upon oath of several persons to be taken, who professed to be acquainted with the Collector and Comptroller's practice of distributing and assigning the Prize Negroes. Copies of these declarations, taken from the protocol of Mr. Edwards, were delivered by him to us, before his embarkation for New South Wales ; and we have also received information from other quarters upon the same subject, the substance of which we now proceed to lay before your Lordship.

It has been stated to us, that both the Collector and Comptroller of the Customs, in the sale of their estates, had availed themselves of the power they possessed in regulating the assignment of Prize Negroes, to transfer their interest in some of them to the purchasers, in consequence of express stipulations to that effect, and with a view to enhance the price.

Both these officers have thought proper from time to time to select Prize Negroes for their own service, or to retain such as they required upon the death or departure of the masters from the colony. Mr. Blair, it appears, has had 54 Prize Negroes, and Mr. W. Bird, 23.

A difference of a somewhat technical nature has prevailed in their methods of accomplishing this object : The Collector has considered that the act of apprenticing a Prize Negro to himself was not consistent with reason ; while the Comptroller has adopted a different practice, and relying upon a supposed analogy which he discovered in the Act of the 5th of Elizabeth, chapter 40, and in the permission there given to fathers to apprentice their children to themselves, he has considered himself and the Collector to stand in the same relation, or in that of guardian, towards the Prize Negroes, and has executed

indentures of apprenticeship, and assignments of unexpired terms, in his own favour, taking care however in some of these cases to mark in explicit terms the individual and public capacities in which he gave and received at the same moment the services of the Prize Negroes.

We do not at present think it necessary to detain your Lordship with considering the substitution which is thus assumed by the Comptroller, of the relation of trustee and guardian for that of parent, as the basis of this analogy, or the difference between the objects held in view by the framers of the Act of Elizabeth, and of the Order in Council in conformity to which the indentures of Prize Negroes are drawn. The object of the latter is to provide protection for those persons by the selection of good and humane masters ; and we do not think that this object is attained, while it certainly may be risked, by the combination in one and the same person of the interest of a master and the duty of protector.

The sale of Mr. Blair's estate at Stellenberg near Cape Town was effected in the month of April 1820, being ineffectually tried both by auction and private contract in the latter end of the year 1819, and the person who had in the first instance offered the sum of 120,000 guilders, became the purchaser of it afterwards by private contract for 100,000 guilders. From the evidence of this person it would not appear that he was himself aware at the moment, of the value that would be given to the estate by the services of ten Prize Negroes, who had been employed and lived upon it when it was possessed by Mr. Blair, although it was suggested by others who were employed in negotiating the sale ; and he has since been aware that their labour, after deducting the expenses of clothing and subsistence, was worth 1,440 rixdollars per annum, and that the aggregate value of it for five years has amounted to 7,200 rixdollars.

From another witness who had bid for the estate we are informed, that although no express declaration was made at the sale, that the Prize Negroes were to be transferred with it, yet a belief prevailed that it would be so ; and in a conversation that took place between this witness and Mr. Blair after the auction, in which the latter expressed his regret that he had not become the purchaser of his estate, Mr. Blair is stated to have

pledged his word of honour, that if the estate should be sold, the Prize Negroes should not be withdrawn from it until their apprenticeships had expired.

At the period in which the sale was effected, Mr. Blair was preparing to go to England, and could not have himself required the services of the Prize Negroes. On the other hand it may be doubted, whether the sale of the estate could have been effected without some further reduction of the price, if the Prize Negroes had not been allowed to remain upon it; and it is asserted by one of the witnesses (and we think with truth) that this circumstance alone would augment the value to a purchaser to the amount of twenty per cent.

As no indentures of the Prize Negroes had been executed in favour of Mr. Blair, he was under the necessity of causing new ones to be executed in favour of the purchaser, Captain Amber, which we observe are dated on the 1st of April 1820, and are alleged to be for the "remaining term of apprenticeship," without any reference to the date of its commencement. A loose memorandum of the periods at which the terms would expire was given to Captain Amber, and one of the Prize Negroes was removed from his service upon an application that was made to the landdrost of the district; another was removed upon a complaint of misconduct; but we do not find that Captain Amber either claimed to receive other Prize Negroes in their places, or to make any deduction from the amount of the purchase money.

Although we conceive that the sale of the estate at the sum of 100,000 guilders was in a great degree facilitated by the permission to retain the Prize Negroes upon it, yet we do not find that the arrangement was injurious to them; and that in as far as it tended to keep them together at a place to which they had been for some time accustomed to reside, it might be considered as beneficial.

After giving Mr. Blair all the benefit of this observation, we will add, that it has not tended to alter the impression that his pledge, of not removing the Prize Negroes, given to a person then negotiating for the purchase of the estate, is so strongly calculated to create. We are satisfied in our own minds, that this pledge of the continuance of services so valuable could only be made with the view, and could only be attended with

the effect, of promoting the sale of property of which Mr. Blair was so anxious to dispose previous to his departure to England. We have no reason to discredit the testimony of the person to whom the pledge was given ; and we thus find great difficulty in acquitting Mr. Blair of an intention to combine the disposing power that he officially exercised over the Prize Negroes, with the interest that he felt as proprietor and seller of the estate. In this instance it appears that it only facilitated the sale, and that it did not augment the price, the sum of 110,000 guilders having been offered for it at a former period, and refused.

In the evidence that we have collected, a similar instance occurs of the transfer of an estate by the Comptroller of Customs, accompanied by a permission to the purchaser to retain three Prize Negroes that had previously been employed upon it.

If the evidence of Mr. Thomas Heatlie is to be relied upon, an express stipulation was made by him, that three Prize apprentices who had been assigned to the Comptroller should be transferred to him, and that their services formed part of the consideration of the purchase money, amounting to 28,000 guilders ; to which however a condition was annexed, that in case Mr. Heatlie should sell the place, the Prize Negroes were not to be transferred without the consent of the Comptroller. It is stated that Mr. Dashwood, the Collector of the Customs of Simon's Town, was present at the interview at which this negotiation took place ; that a memorandum in writing was made of it, in which, at Mr. Wilberforce Bird the Comptroller's request, no mention was inserted of the three Prize Negroes who were allowed to remain upon the estate.

As Mr. Dashwood had unfortunately left the colony before this inquiry took place, we were deprived of his testimony, which would have relieved us from the doubts that we feel justified in entertaining with respect to that of Mr. Heatlie, in consequence of the inaccuracies that we have detected in his former statements.

It is admitted by Mr. W. Bird that the estate was sold for 28,000 guilders, and that he agreed to leave upon it three of his Prize Negroes, as they had been accustomed to reside there, and as he was desirous of acceding to the wishes of Mr. Dashwood, who first negotiated the sale of the estate on behalf of

Mr. Heatlie, and who stated him to be a young beginner, and to stand in need of assistance.

In the present state of the evidence, the assertion of Mr. Heatlie, that the services of the Prize Negroes formed part of his inducement to pay the sum of 28,000 guilders for the estate, is not confirmed, and in that state we hesitate to ascribe to the transfer of the Prize Negroes the corrupt motive that Mr. Heatlie's evidence would establish against Mr. W. Bird, by allowing them to be considered as "part of the purchase money;" at the same time we feel it our duty to remark, that the Comptroller of the Customs has, with the view of meeting the wishes of his friend Mr. Dashwood, allowed three Prize Negroes to remain under the control of a person who, he says, has been reprov'd for his severe treatment of his Negroes, and to whom (as he observes in his letter to us of the 7th June last) he would never have given dominion, though merely temporary (without reserving strong checks and power of resumption) over any human creature.

Now it is admitted by the Comptroller, that although the indentures of the Prize Negroes were not transferred to Mr. Heatlie, yet that he was allowed to have authority over them as long as he continued to be proprietor of the estate; and it was only in the event of a transfer of it to a stranger that he could claim the right of resuming them. In the attempts made by Mr. Heatlie to dispose of it, the right of resumption of the services of the Prize Negroes appears to have been partially exercised by the Comptroller of the Customs; and when they repaired to him for protection against Mr. Heatlie, who had left the estate and removed to Tulbagh, we do not find that the latter took any judicial steps to recover them, or to obtain a compensation for the loss of their services.

In pursuing our inquiry into the disposal of the Prize Negroes by the Collector and Comptroller of the Customs, and with reference to the facts disclosed in the notarial evidence of Mr. Edwards, our attention has been much occupied by the assignment of several Prize Negroes to an individual named Charles Dixon, a livery-stable keeper in Cape Town, and by the alleged remission by him of a debt of considerable amount to the Collector of the Customs.

It appears that at various periods, from the commencement

of C. Dixon's setting up in business, Mr. Blair had been indebted to him in smaller sums, which had been discharged. Between the years 1810 and 1816, Mr. Dixon had received no less than 15 Prize Negroes from Mr. Blair, and had often and openly expressed the sense of the obligation that he had received, and the great assistance that their labour had afforded him.

Towards the end of the year 1819, when it was known that Mr. Blair was about to visit England, Dixon presented his bill to him, amounting to 1441 rixdollars 1 skilling, and, as he now swears, was induced to postpone the payment on a verbal promise of Mr. Blair to discharge the bill on his return to the colony. It is sworn by the person who acted as Dixon's clerk at the time, that he was desired by him to make out Mr. Blair's bill, that Dixon wrote the words, "Received payment," and signed it with his name. He further swears that after Dixon had seen Mr. Blair, he desired him to make an entry in his books of the account having been paid, that he had not received any thing, but that he had made a present of the amount to Mr. Blair, in consideration of his kindness in having assigned so many Prize Negroes to him.

This entry of payment to Mr. Blair's credit, dated 1st April 1820, of cash in full to the amount of 1441 rixdollars 1 skilling, was found by us in Dixon's ledger, and balances all antecedent items to his debit ; and it is further corroborated by subsequent declarations of Dixon, who is stated to have declared in the presence of more than one person, that he had been anxious to evince his sense of Mr. Blair's kindness, and had presented him with his receipted bill. Whether this document was in the state described by the clerk, receipted and signed by Dixon, at the time that he presented it to Mr. Blair, there is some doubt ; Mr. Blair has not been able to find or produce the bill, nor can he recollect whether it was receipted or not.

In explanation of the entry in his ledger, and also of another entry in his day-book in his own handwriting, dated 1 April 1820, stating that "he had received of C. Blair, Esq., in full of all demands to that date, 1441 rixdollars 1 skilling," C. Dixon has not been able to satisfy us that the first entry in the ledger was not made by the clerk at the time, in consequence of the direction that the latter has sworn he gave him.

In explanation of these entries, Dixon has denied that they were considered by him as true, that he always considered Mr. Blair to be indebted to him in the amount of the account that he tendered to him in April 1820, and continued to be satisfied with the assurances that he had given him, of discharging it at some future day ; but he further swears, that under the influence of an apprehension that the inquiries which Mr. Cooke and Edwards were making in the year 1824, respecting the assignment of Prize Negroes, might occasion him some embarrassment, he applied to Mr. Blair at that period to give him a promissory note for the amount of his account, and that by his (Dixon's) desire, both the note and the entry of payment were antedated to the 1st April 1820, for the purpose of defeating Mr. Edwards's inquiries, or of removing any suspicion that might be entertained, as to the reality of an adjustment of Mr. Blair's bill at that period. The original note has been produced, and we find that it is wholly of Mr. Blair's handwriting.

Mr. Blair has stated in explanation, that when he quitted the colony to go to England in April 1820, he had the consent of his creditors to do so upon an understanding that the payment of their accounts was to be postponed until his return. It appears that Dixon, amongst others, applied for payment of his account when Mr. Blair returned, and it is therefore justly asked by the latter, whether such a demand is consistent with the allegation of the voluntary tender of the account and receipt before his departure. His explanation of the date of the promissory note is not equally satisfactory ; he says that it was given subsequently to his return to the colony, in consequence of an application made by Dixon for payment of his account. Mr. Blair did not return to the colony until 1821 ; it is therefore incontestably proved that the note must have been antedated, and this proof is not weakened by the assertion of Mr. Blair, that he did not become acquainted with the fact until after the charges had been adduced against him.

Admitting however that the note was given for the purpose of meeting the inquiries that Mr. Edwards on behalf of Mr. Cooke was making into the disposal of the Prize Negroes in 1824, we do not see that it affects the question of the antecedent adjustment of the account by Dixon in consequence of his

having been indulged with the services of so many of them. We have very little doubt that the sense of this obligation induced him to accede with readiness to a postponement of payment solicited by Mr. Blair previous to his departure for England in 1820 ; but we do not think that his casual declarations, although sworn to by a very respectable and disinterested witness, or even the entry of payment that he caused to be made in his ledger, afford conclusive proof that he considered the debt of Mr. Blair as finally cancelled. It appears in evidence that Mr. Dixon was very careless in the manner of keeping his accounts, and that errors were frequently detected in the entries of cash received in payment ; it further appears that he was habitually incautious in his conversation, and not always correct in his relation of matter that affected his own interests.

In consideration of all these circumstances, we are induced to reject the imputation, that the debt of Mr. Blair to C. Dixon was cancelled in consideration of the assignment to him of Prize Negroes ; but we think it our duty to add, that he appears to have been unworthy of such indulgence, on account of the severity with which he frequently treated them. Several complaints were preferred by them to the Fiscal, and were brought before the commissioners of the court of justice, and some of which, for want of sufficient proof, were dismissed ; but upon one occasion it appears that Dixon was sentenced to pay a fine of 50 rixdollars.

The next case to which we propose to call your Lordship's attention, is that of a tradesman named Durham, to whom fifteen Prize Negroes had from time to time been assigned, and in whose books we found that a debt of Mr. Blair's, for various articles of household furniture, had continued to accumulate in every successive year, from the 9th June 18¹ to the 19th December 1821, when it amounted to the sum 2,383 rixdollars 2 skillings, without any thing appearing, Mr. Blair's credit, or any thing having been paid by him of the knowledge of the clerk and book-keeper, during the with period ; although the same person declares that, pay-delivered the bills to him, and requested payment. y other

Upon an examination of Mr. Durham's books, not fully appeared, that the balance before mentioned is, examining

forward, but there exists an open account of the date of 28th March 1823, amounting to 929 rixdollars 5 skillings, augmented to the sum of 2,317 rixdollars 6 skillings in December 1824; and it further appears that a bill had been delivered to Mr. Blair, amounting to 2,517 rixdollars 7 skillings.

In the absence of Mr. Durham, who left the colony to proceed to England in January 1825, we examined his chief clerk and book-keeper, who professes himself to be unable to account for the apparent relinquishment of the old balance of 2,383 rixdollars 2 skillings; but he produced a letter that he had lately received from Mr. Durham, dated Saint Helena, 11th February 1825 (on his voyage to England) in which he is requested by him to press Mr. Blair for the settlement of the old account by notes, leaving the new one to be paid by instalments, according to an expectation that he says he received before he quitted the colony.

From the evidence of the clerk we do not find that the indulgence that Mr. Blair has experienced from Mr. Durham has been extended to his other customers; and although we do not question that the account was intended at some period to be discharged, we think ourselves justified in concluding, that even with the general forbearance observed by tradesmen towards the civil servants of Government in demanding payment of their debts, such great indulgence would not have been granted to Mr. Blair if Mr. Durham had not been accommodated with the services of so many Prize Negroes.

In examining the lists of those that have been distributed by Mr. Blair since the year 1809, we found that the greatest number distributed in Cape Town had been assigned to respectable tradespeople, and who had been included in the list of witnesses to be summoned on the trial of Mr. Cooke, several of whom we thought it necessary to examine, and have found that, with one exception only, they consisted of persons whom Mr. Blair was and had been indebted in sums of the facous but not very large amounts, and that although temporary remissions of their demands had been made by them of meeting their dealing, yet we have not found one instance in 1824, we do nothing had passed that would justify us in concluding adjustment of remission of the debt was intended, but that, on

the contrary, in almost all, we have found at one period or another an application for payment made by the creditor, and an acknowledgment on the part of Mr. Blair, that negative the presumption of a final adjustment in consequence of the assignment of Prize Negroes. The value and importance of their services to these persons have been freely acknowledged ; and with respect to this point we are well justified in concluding that after the lapse of one year from the date of the abolition of the Slave trade, the competition for the assignment of Prize Negroes at the Cape has been pressing and constant. Without entering at present into the manner in which they have been distributed generally, we will take occasion to observe, that, according to the lists that are before us, and after the claims of the naval and military services and those of the colonial government had been attended to, the particular friends of Mr. Blair and Mr. Wilberforce Bird have appeared to have received the greatest number.

Amongst the former, we have observed that a Mr. Samuel Murray (now deceased) of whom we have already had occasion to speak in noticing the case of Jean Ellé, is the most distinguished. We do not find that this individual possessed any other claim to this indulgence than that of being unfortunate in his commercial concerns, from the consequences of which he certainly derived relief by hiring out the Prize Negroes that Mr. Blair had from time to time assigned to him.

During the existence of his partnership with another merchant, an open account was kept with Mr. Blair, to whom wine had at different periods been delivered, and to the amount of 480 rixdollars.

The person charged with recovering payment of the debts due to the partnership has declared that he was informed by a friend of Mr. Blair, that this sum had been overpaid to Mr. Murray in a bill that Mr. Blair had given him for 1,000 rixdollars, and that upon giving this information to the late Mr. Samuel Murray, he promised to pay him the amount of Mr. Blair's account ; and was more than once threatened with an action by his former partner, Mr. Horne, to compel the payment. From not having been able to gain access to any other books than the ledger of the late Mr. Murray, we cannot fully confirm the correctness of this statement ; but after examining

that book, we have found that no credit appears to have been given to Mr. Blair; but the irregularity with which the accounts appear to have been kept, would render it unsafe to draw any inference from such an omission.

In another instance, (that of Mr. Duckitt) a gentleman who had been sent to the Cape at an early period of its former occupation, to try experiments and introduce improvements in agriculture, we find that the possession of ten Prize Negroes, independent of the large number that he had received for himself and family, was coupled with a condition of appropriating to Mr. Blair the calculated quantity of produce raised by their labour on his farm, and that of subsisting and clothing them.

With these exceptions, we find that a large majority of the Prize Negroes apprenticed by the Collector and Comptroller of the Customs since the passing of the Abolition Act, and amounting nearly to 1490, have been distributed in numbers not exceeding, and generally less than three to each person; and although we have not been able to obtain from the Custom-house any accurate account of the numbers that have been reassigned, we observe that the Collector and Comptroller have exercised vigilance approaching to severity in asserting their claims to this questionable right, and that it has been exercised less with a view to the advantage of the Negro for whose benefit alone, as we have had the honour to contend, the right was conferred, than to the maintenance and augmentation of the Collector's and Comptroller's patronage. The case of Jean Ellé, which we have already detailed, is in support of this observation. The case of the Prize Negroes of an individual named Corbitt, which was submitted to your Lordship by him before he returned to the colony from England, also corroborated our remarks.

It appears that he had obtained the permission of Mr. Blair to take to England one of the four Prize Negroes that had been assigned to him, who had lived in his family for seven years, and whose good qualities had greatly recommended him to his favour and protection. Not being able himself to return within twelve months, he sent the Prize Negro under proper care to a friend and agent in Cape Town, who neglected to apprise the Collector of the Customs of his return, but who,

proceeding according to the directions of Mr. Corbitt, had placed the boy at school, and given employment to him in his own store. From this employment, which appears to have been suggested by a proper attention to the benevolent and kind views of Mr. Corbitt, the boy was taken by Mr. Blair and removed to his own service.

It was certainly the duty of Mr. Corbitt's agent to have apprized the Collector or Comptroller of the Customs of the boy's return to the colony ; and we cannot help expressing our surprise that he should have been allowed to cancel the security that his principal had given in the office of the Colonial Secretary for the boy's return, without notice to the Collector or Comptroller of the Customs, or without any attempt to identify the boy's person.

It is alleged by the agent, that upon Mr. Corbitt's departure, he had the permission of the Comptroller of the Customs to keep in his possession a Prize Negro, named "Present," and that a similar understanding prevailed respecting the disposal of another, both of whom were left in the colony by Mr. Corbitt. Considering the loose and irregular manner in which the transfers of indentures and temporary arrangements respecting Prize Negroes appear to have been made, we think it most probable that the permission to retain these Prize Negroes had been verbally given by the Comptroller of the Customs, in the absence of the Collector, and that the latter was not aware of it, until a complaint of one of the Negroes to him brought the matter to his notice.

In a Report that he addressed to his Excellency the Governor, we find that the Collector represented that the situation and treatment of the Prize Negro "Tom" in the house of Mr. Corbitt's agent was disadvantageous to him and improper ; that he was compelled to perform drudgery ; and that with a view to improve his condition, he took him into his own family. Upon an inquiry into these circumstances we find that the boy was employed by the agent in the same way that he had been employed by Mr. Corbitt himself ; that he was a house servant and shop-boy, and consequently was made to carry parcels and errands. His services in that situation are stated by Mr. Deane (the agent of Mr. Corbitt) to have been worth from 15 to 20 rixdollars per month, exclusive of his board and lodging ;

and that he was a boy of remarkably quiet disposition, and at the same time endued with intelligence and quickness.

Arrangements had been made by Mr. Deane for his attendance at a free school in Cape Town, in pursuance of Mr. Corbitt's directions ; but notwithstanding these circumstances, which we consider to have been highly favourable to the progressive improvement of the Negro, he was removed to the domestic service of Mr. Blair, where he has received no instruction, and where it appears that he has had to complain of the violence of Mr. Blair, in the unauthorized punishments that he inflicts upon him in moments of irritation.

We have no reason to believe that (except on these occasions) Mr. Blair's treatment of his Prize Negroes has been objectionable ; and we had reasons to observe that this Negro, who is employed in the house of Mr. Blair, is well clothed ; but we cannot hesitate to express our opinion, that the situation of this Prize Negro, in the service of Mr. Corbitt, to whom he was attached by ties of gratitude and obligation, would have been infinitely more beneficial to him than that of Mr. Blair, in which he now remains, and is to continue until the expiration of the term of his apprenticeship.

Another case, of very recent occurrence, has impressed us with a belief that the personal accommodation of the Collector and Comptroller of the Customs is now become a prevailing principle in the distribution of Prize Negroes who are in a situation to be reassigned to new masters. Upon the departure of a gentleman from the colony who held a situation in the department of the Customs, and who expressed a wish to transfer the services of a valuable Prize Negro to a friend of his, who had lately succeeded to one of the highest appointments in the colony, and who experienced in common with every stranger the difficulty so much complained of at the Cape, of obtaining or hiring good domestic servants ; this very reasonable request was denied by the Collector of the Customs, upon the sole allegation of his requiring the services of the Prize Negro for himself. In stating this occurrence, together with others that seemed to require explanation, to the Collector and Comptroller of the Customs, we observed that it had not received any answer or notice, but it has been explained to us by Mr. Blair, that, reserving to himself a contingent claim to

the services of the Negro, he has allowed him to remain for the present in the service of Mr. Wilberforce Bird, but without any regular assignment.

Before we conclude this subject, we beg leave to notice the refusal of the Collector of the Customs to give a certificate of the expiration of a term of service to a Prize Negro who had lived with him as an apprenticed servant for some time, but, upon the expiration of whose term of apprenticeship, was unwilling to re-engage with him. The application was made to Mr. Blair by a person who has sworn that he refused to give the certificate, and made inquiries respecting the character of the individual who was desirous of having the Negro, saying, that he would call upon him. It appears, however, that the Negro was hired out without a certificate ; and from a Government advertisement that had been published previously, notifying to the public the names of such Prize Negroes as had then become free, it appears that such a document from the Collector was unnecessary. The Landdrost of the district in which the Negro had served Mr. Blair, had sent for him, and in pursuance of the directions of the Government advertisement, informed him that his term of apprenticeship had expired, and intimated to him, and to others in the same situation, that they were at liberty to enter into contracts with other masters. As that in which the Negro was about to engage was in the Cape district, the application for contracting him should have been made to the Landdrost, and not the Fiscal, to whose office it is alleged that it was addressed.

During the apprenticeship of the Prize Negro with Mr. Blair, his native name had been changed, although he was described by it in the Government advertisement ; and to that circumstance may be attributed the mistake in the application. Mr. Blair has stated, that he treated this Negro, during a very long period of service, with particular favour ; and that even after he obtained his freedom he returned to his service, and remained with him six months on wages at ten rixdollars per month. As the Negro had left the colony and gone to England, we had no opportunity of substantiating this fact ; but the allegation of his having refused to re-engage in Mr. Blair's service on account of severe treatment, rests, in this instance, on such slight grounds, that we do not hesitate to

reject it. In other respects, although Mr. Blair might have shown a greater degree of courtesy when the application was made to him for a certificate of the Negro's termination of service, yet it does not appear that in this instance it was a part of his duty to give such a document, or that it was even necessary to enable the Negro to engage in a new service.

From the observations that we have already offered upon the several circumstances detailed in the evidence that we have collected, we trust that we have enabled your Lordship to form a judgment of the motives by which the conduct of the chief officers of the Customs, in the distribution of Prize Negroes, has been guided ; and of the truth of the representations that have been addressed by Mr. L. Cooke to the Lords Commissioners of His Majesty's Treasury.

Our inquiries upon these subjects have been guided in a great measure by the declarations of the witnesses whom Mr. Cooke, assisted by Mr. Edwards, had intended to call before the court of justice for the purpose of vindicating themselves, and proving the truth of the allegations of the Memorial ; and we have no reason to think that any material information, of which they thus became possessed, has escaped us.

The vehemence and earnestness with which Mr. Edwards had entered into the cause of Mr. Cooke, had made a great impression upon the minds of the middling classes of the population of Cape Town ; and to the intimidating effects of his tone and manner, we conceive that some parts of the acknowledgments contained in the evidence are to be attributed. We do not find, however, that their truth has been impeached in any material point ; and although Mr. Cooke may have greatly exaggerated the grounds of his appeal to the Lords Commissioners of the Treasury, in the epithets that he has applied to various acts imputed to Mr. Blair, yet we have been disappointed in not receiving from the latter, and from Mr. W. Bird, a more satisfactory explanation of the facts that have been established by proof, and which would have enabled us to remove the doubts which have been raised upon the considerations of these facts.

We certainly perceive that the Collector and Comptroller of the Customs have either misunderstood or overlooked the meaning of the sixth clause of the Instructions of His Majesty

in Council, respecting the reassignment of Prize Negroes, and that they have thus unnecessarily increased their patronage or their own accommodation, without sufficiently keeping in view the advantage of the Negroes. We do not feel ourselves justified in declaring that their exercise of this patronage has been dictated by a corrupt motive, but we certainly observe that its effects, in several instances, have operated in relieving them from the pressure of pecuniary claims, which we believe to have been withheld from a sense of obligation, and which have continued subject to the same influence. It would not however be just to consider the Collector and Comptroller responsible for the existence of this influence on the minds of their creditors, where it has not been proved that they connived at it.

In observing upon the proceedings instituted against Mr. Cooke, we will shortly recapitulate the circumstances of their origin and progress.

The great reluctance felt by the Prize Negro Jean Ellé to be removed from the service of Messrs. Cooke and Thompson to that of Mr. Pigou, and the apprehension of the punishment to which his disobedience to the order for his removal might expose him, had induced Mr. Cooke to submit the circumstances that had caused his detention to the Deputy Fiscal. Upon receiving an intimation of that officer's opinion, that they had no right to detain him nor any claim to his services, and after some further hesitation, Mr. Cooke had an interview with Mr. Blair, the circumstances of which we have before explained, and that led to an immediate application to the Deputy Fiscal for protection and redress. This application was made by Mr. Cooke in a letter that he addressed to the Deputy Fiscal, dated 29 November 1823, in which he took occasion to request, in earnest language, his zealous exertions, and named the witness who was present at the interview with Mr. Blair, and whose evidence he offered in support of his own information.

The Deputy Fiscal having in vain endeavoured to terminate the dispute by amicable adjustment, according to the injunction and practice of the colonial law, was preparing to bring the case before one of the sitting commissioners of the court of justice, in pursuance of the reiterated request of Mr. Cooke, addressed to him on the 13th December 1823, when he received a notice from him, on the 12th January 1824, stating, that he

begged to withdraw the complaint that he made to him on the 29th November preceding.

On the 30th January 1824, a letter was addressed to His Majesty's Fiscal by the acting Secretary to Government, enclosing the Memorial of Mr. Cooke to the Lords of the Treasury, as well as a letter of Mr. Edwards, in which it was enclosed, and requesting "the Fiscal to refer to Mr. Blair, in order to obtain every information for prosecuting Mr. L. Cooke, for defamation of a public servant."

It appears that this letter was conveyed by Mr. Blair himself to the Fiscal, who, after considering the statements in the Memorial, came to the determination of prosecuting Mr. Cooke, inasmuch as he saw reason for concluding that his object in writing and sending it was dictated rather by a spirit of revenge for the insult offered to him by Mr. Blair, and the loss of a servant, than by a desire to procure a reform of any abuses in the system of distributing the Prize Negroes.

The steps prescribed by the regulations for Crown trials were then adopted. Mr. Edwards and Mr. Hoffman were joined in the indictment, in which Mr. Cooke was charged with wilfully and maliciously composing publishing and signing a certain libellous writing in the shape or form of a Memorial to the Lords Commissioners of His Majesty's Treasury, in which, with the apparent intention of bringing to their notice his personal grievances against Mr. Blair, but actuated with a malicious intention of exposing him to the hatred and contempt of his superiors, and to the danger of being ignominiously discharged, Mr. Cooke had introduced some general remarks and alleged facts by which Mr. Blair was represented in a contemptible and criminal aspect. The indictment here particularly alluded to the alleged oppression committed by the officers of the Customs, their "ruthless cupidity," and their malicious abuse of their power in the reapprenticing of a Prize Negro after the decease of his master. Mr. Edwards was charged with the same offence, and J. B. Hoffman with writing and preparing the libel for publication.

On the 16th February the trial commenced, and after the indictment had been read to the defendants, and when the officer of the court was about to address to them the interrogatories filed by the Fiscal, Edwards, the second defendant,

offered to the court four exceptions ; first, that the prosecution had not been commenced within the time prescribed by law, viz. eight days after the issue of the summons for personal appearance ; secondly, that the Fiscal had not summoned the witnesses that he had named ; thirdly, that the Fiscal had not religiously observed the truth in his indictment ; and, fourthly, that the court was not competent.

In arguing these exceptions, Edwards was twice cautioned by the Commissioners of the court to abstain from uttering calumnies against the Fiscal ; but as he persisted in this course, and as the Fiscal claimed the protection of the court, he was ordered to be confined in the town gaol for one month, for contempt of court.

On the 18th February, the hearing of the case was resumed, and Mr. Cooke proposed and pleaded an exception, in the commencement of which he fully acknowledged that he gave directions for drawing up the Memorial, and that he examined, approved and signed it, but contended, that it contained nothing that constituted a libel, and that he had not committed any offence.

After hearing the Fiscal in reply, the Commissioners rejected the exception of Mr. Cooke, who entered an appeal from their decision to the full court. The cause was ordered, notwithstanding, to proceed before the Commissioners, and Mr. Cooke having answered to the interrogatories, and prayed that his witnesses might be heard, Mr. Edwards was desired to proceed in his exceptions. The Fiscal having been heard in reply to them, they were rejected by the Commissioners, and the interrogatories filed by the Fiscal were put to Mr. Edwards, who, in answering them, acknowledged that he had written a part of the Memorial, but had not published it. The answers of the third defendant were then taken to the interrogatories, and the cause was adjourned, upon the production of a certificate by the Fiscal, that Mr. Blair, one of his witnesses, whom he proposed first to examine, was unable to attend from indisposition.

On the 20th February the court resumed, and the Fiscal moved for permission to amend his indictment against the second defendant Edwards, which was refused. The court then applied to the Fiscal, to the defendant Cooke, who now

appeared by his advocate, and to the second and third defendants, to declare the nature of the points that their witnesses, whom they had wished to summons, were intended to prove.

They concurred in stating that their witnesses were intended to disprove on the one side, and to establish on the other, the truth of the allegations; and the advocate of Mr. Cooke particularly requested that all the witnesses that had been previously named by Edwards on his behalf, amounting in number to 59, including the Governor, Lord Charles Somerset, should be summoned and heard. The court adjourned, and on the 20th February declared, that they could not receive the testimony of any witnesses that were intended to establish or contradict the facts set forth in the Memorial of Mr. Cooke; and that as to the question respecting the number of witnesses and the tendency of their testimony, it would be taken into consideration at a future stage of the proceedings.

The Fiscal, and the first and second defendants (Cooke and Edwards) noted appeals to the full Court against the first of these decisions, and the first and second defendants against both. The Commissioners having received some slight evidence upon the charge against the third defendant, he was, with consent of the Fiscal, released from further prosecution; and the proceedings were suspended until the two appeals made to the full Court had been decided.

This Court, with the exception of the President, Sir John Truter, who was absent, assembled on the 26th of February, and having heard the arguments of the Fiscal, and the advocates of Messrs. Cooke and Edwards against the decrees appealed from, confirmed them both, and condemned Mr. Cooke in all the costs of his own proceedings. The Fiscal, and the second defendant Edwards, appealed against this decision to the Court of Appeals.

Between the 1st and the 8th of March, the several Memorials and replies of the parties, who were now joined by Mr. Cooke in appeal against these decrees, were filed, and on the 9th the Court of Appeals made an order of reference to the President of the Court of Justice, who had been absent during the whole of the proceedings, for the purpose of requesting his opinion "as to the legal right of the Memorialists, consistent with the laws of the colony, to have so many witnesses summoned;

and whether they are by law bound to specify the grounds upon which they wish so many witnesses to be summoned."

On the 18th March, a decree was given by the Court of Appeals, in which, after declaring, "that it rejected the Memorials of the Fiscal, and the replies thereto, the cause was remitted to the Court of Justice, to be proceeded in according to the laws of the colony, with leave to the parties to make such further appeal as they might be advised in any future stage of the proceeding."

This sentence of the Court of Appeals was considered to be in affirmation of the decrees of the full Court of the 18th and 26th February; by the first of which the exceptions of the defendants Cooke and Edwards had been rejected, and by the second the hearing of witnesses in confirmation or contradiction of the libellous allegations of the Memorial was rejected.

The incidental questions being thus decided, the hearing of the principal cause was resumed before two Commissioners of the Court of Justice on the 26th March, and after the Fiscal had unsuccessfully applied to them to admit the examination of two witnesses not included in his original list, the Commissioners declared the investigation of the charge to be closed, and to relieve the defendants from personal appearance, and from all further prosecution of the accusations contained in the indictment.

As your Lordship will observe that His Majesty's Fiscal has principally relied upon the intentions and motives of Mr. Cooke, manifested in his first application to the Deputy Fiscal for redress, and in the subsequent appeal that he was induced to make to the Lords Commissioners of the Treasury, as the grounds of the proceedings that he instituted against him, we think it right briefly to notice them.

We think that we do not overstate or misapprehend Mr. Cooke's motives in the first application that he made to the Deputy Fiscal, when we adopt his own statement of his wish to obtain redress for the insulting language that had been addressed to him by Mr. Blair. That wish was repeated in the course of the proceedings adopted by the Deputy Fiscal, accompanied with an expression of the confidence that Mr. Cooke felt in his exertions.

Whatever may have been the advice that Mr. Cooke subse-

quently received, and under which he appears to have acted in withdrawing his prosecution, we do not think that he was justified in resorting to another and more remote authority for protection against the insults of Mr. Blair, until he had found that the nearer, and what may be termed the natural tribunal, had shown itself unwilling, or had been proved incompetent to afford it.

From the preliminary measures that had been taken by the Deputy Fiscal, Mr. Cooke had no reason to conclude that the protection that he now seeks at the hands of the Lords Commissioners of the Treasury against the insults of Mr. Blair would not have been afforded him had he permitted the cause to proceed; and although Mr. Blair might have pleaded in extenuation of his violence the offensive offer that had been made by Mr. Cooke to Mr. Pigou, and which implied a corrupt connivance, in the payment to him of a pecuniary indemnity for the services of a Prize Negro, yet we feel ourselves justified in believing that if the expressions used by Mr. Blair had been proved to the satisfaction of the Court, he would have been visited both with censure and punishment. It is not therefore without reason that the Fiscal was led to attribute the abandonment of that course, and the adoption of the other, for which Mr. Cooke was prosecuted, to a desire of revenging himself for a personal insult received from Mr. Blair, by exposing and denouncing in vehement language acts of corruption and oppressive conduct, rather than to the more laudable and disinterested motive that he professed, of affording impartial information to the Lords Commissioners of the Treasury of abuse of authority committed by one of their officers.

It was this view of the subject, combined with the instructions that he received from the colonial government, that determined the Fiscal to institute a criminal prosecution against Mr. Cooke and the other persons concerned in the writing and publication of the Memorial; although the last of these acts consisted only in transmitting a duplicate copy of it to the Governor. The Fiscal seems to have been of opinion, that even under these circumstances Mr. Blair was entitled to the protection that the law of the colony affords against any act or writing by which the character of an individual is calumniated or disgraced, although he entertained doubts

whether the libellous character of the Memorial in this case was of a nature to exclude all proof of its truth. The preparations indeed that he had made for disproving it, show that he had anticipated a contrary determination of this question; the communications that he had with Mr. Blair (who did not appear to shrink from an inquiry into the truth of the allegations, in the event of the Court permitting it,) were not of such a nature as to have furnished any well grounded expectation of a successful result; and considering the number and description of the witnesses that were summoned by the defendants, we do not think that it was altogether prudent to have committed the character of the Collector and Comptroller of the Customs in the event of a prosecution, wherein the punishment of the writers of the Memorial became very doubtful, and where, if it had been attained, their own vindication would not have been complete.

A denunciation to the magistracy, of abuses that the interest of the state requires to be revealed, forms a well known exception in the Roman law to the general description of libel or calumnious writings. The right of Mr. Cooke to address the Lords of the Treasury upon the conduct of one of their officers was generally believed, for it was known only to a very few persons that Mr. Blair was accountable to the Governor of the Cape as well as to their Lordships, from the circumstance of his having received commissions from both, and for the express purpose of creating a local responsibility, which it certainly was open to the Governor in this instance to have claimed. Admitting even that the intention with which Mr. Cooke addressed his Memorial to the Lords of the Treasury was such as the Fiscal asserted, and in which we are also disposed to concur, we think that a prosecution founded upon a mere official interception of such a document could only have the effect of giving publicity to the imputations that it conveyed, without affording the means of establishing their truth or falsehood. It is precisely the light in which the question of Mr. Blair's conduct is now viewed. In justice to him we must add, that towards the close of the judicial proceedings against Mr. Cooke, he solicited a court of inquiry into his own conduct; and it certainly was not his fault that the result was not more satisfactory.

From the course that was adopted by the Fiscal in conducting the proceedings, we do not find that Mr. Cooke had any just cause of complaint. Three days beyond the term allowed by law from the date of the decree for personal appearance, had been suffered to elapse before the trial commenced ; but we do not find that the delay was prejudicial to Mr. Cooke, or that he even relied upon it as a valid exception. In the appeal to the full Court he was assisted by an advocate, and joined with the second defendant in pleading the exception, of want of jurisdiction. From the terms of the clause in the regulations of the Crown Trial, we think that this exception is meant to apply only to the local incompetence of the court, and that the discussion that was raised upon the nature of the offence in question, before any proof or acknowledgement was received of the commission of it, under the specious pretence of an exception to the jurisdiction, was premature and irregular. It was argued however in this stage of the proceedings at some length on the part of Mr. Cooke, and, together with the rejection of the witnesses on either side as to the truth of the libel, and the Fiscal's objection to issue summonses to so many witnesses until the Court had decided upon the relevancy of their individual testimony, became the subject of appeal to the full Court and afterwards to the Court of Appeal. Without meaning any disrespect to the members of the courts by whom, in the absence of the president, these very important questions had been decided, we conceive that Mr. Cooke was justified in adopting any course that was likely to procure a further consideration of the case, even at the expense of some delay. The proceedings in the Court of Appeal appear to have been conducted with more than usual expedition ; and although we cannot join in the reason assigned in a note of the Registrar and Secretary for passing by the constituted advisers of the Court of Appeal in criminal cases, and thus casting an implied though unintentional reflection on their competence, yet we concur in the expediency that existed of obtaining an opinion of the respectable person to whom reference was made, upon a point of such importance as the refusal of the Fiscal, to whom the duty is assigned in criminal cases, of summoning witnesses named by the defendant or prisoner to be present for examination on the day of trial, and of submitting to the judge, if

required, the tendency of their testimony. It is stated by the Fiscal, upon the authority of the most respectable writers upon the Roman law, from which the restriction is derived, that if it shall appear to a prosecutor, that, from the number and character of witnesses summoned by the defendant, there is an intention of harassing the court and perplexing the proceedings, or of multiplying proofs unnecessarily, in such case it is in the power of the court to make such preliminary inquiries respecting the facts they are called to prove, as may enable them reasonably to reduce the number.

This doctrine was confirmed by the opinion of the President of the Court of Justice, who also thought that in this instance no evidence whatever of the truth or falsehood of the libel was admissible, but, with a view to prevent any future inconvenience arising from a capricious application of it, a resolution was subsequently drawn up by the Court of Justice, on the application of the Fiscal, by which that officer was enjoined to notify his objection to the defendant's list of witnesses, as soon as they should be named, so as to admit of the consideration of it in time for the impending trial.

In the present case it cannot be denied that the description of the defendant's witnesses, as well as their number, was calculated to create a suspicion in the mind of the Fiscal, of the motive with which they had been named, and if he had not acted under that persuasion, some of them resided at too great a distance to have admitted of their being present on the day of trial. In consequence of the final decision of the Court, the examination of a very few witnesses was required on the part of the prosecution, and with the expectation that the Fiscal entertained of being able to prove the falsehood of the libel by the cross-examination of the defendant's witnesses, we are by no means disposed to think that his objection to summon them proceeded from any unjust or oppressive intention of excluding their testimony altogether.

We have thus detailed the nature and result of the proceedings instituted against Mr. Cooke before the Courts. They certainly were the cause of his detention in the colony from the date of the notice of prohibition to leave it, given to him by the Fiscal on the 3rd February, until the 26th March 1825, the day of his acquittal by the Court of Justice. We do not find that

this circumstance occasioned any prejudice to the concerns of the partnership in which he was engaged, but we have not been able to ascertain whether it was detrimental to the individual views of Mr. Cooke. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[I have not considered it necessary to copy the voluminous annexures to this report, as the substance is before the reader.
—G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 23rd July 1825.

MY LORD,—Your Lordship will perceive in the Memorials which have been sent in, relative to the effect of the Ordinance for making British Silver Money a legal Tender in this Colony, at the rate of One Shilling and Sixpence Sterling per paper Rixdollar, that one of the arguments made use of is the depreciation which the Dutch paper Money suffered from the encrease which was made to it by Lord Caledon and Lord Howden; and they allude to the pledge of Government, for cancelling the Five Hundred Thousand Rixdollars issued by Lord Howden as fast as it was repaid into the Treasury, not having been fulfilled.

I have therefore deemed it necessary to transmit to your Lordship a Statement of this Fund, from its commencement, by which You will perceive that a very great portion of the original Capitals lent on loan still remain unrecovered, from the impoverished state of the District Finances in this Colony, and that One hundred and Four Thousand and Seventy-Two Rixdollars of this Fund was sunk in the building of the public offices in Cape Town, and which the Colonial Treasury has not yet been able to refund.

Your Lordship will further perceive that One Hundred and Ninety Thousand Three Hundred and one Rixdollars, which had been repaid into the Bank on account of this Fund, have been

disposed of by my authority in the manner and for the purposes mentioned in the Explanatory Notes annexed to the General Statement, and that Eighty Thousand One Hundred Rix-dollars remain in deposit in the Bank.

I can only adduce to your Lordship as my reason for reissuing a portion of this Fund, instead of cancelling it as it came in, that understanding that it was created for the purpose of carrying into effect public buildings and other works tending to the general improvement and future prosperity of the Colony, I conceived that as long as it could be so employed (when the works first undertaken had been completed) it would be most beneficial to the Interests of the Colony to re-employ those Sums on the public account, rather than destroy them and relinquish objects of general importance.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[As all particulars of importance in the annexures to this despatch are given elsewhere, I have not considered it necessary to copy the complicated accounts of which they consist.—
G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 23 July 1825.

MY LORD,—I have the honor to transmit to your Lordship a List of Items in the Public Expenditure of this Government, which have been incurred during the Quarter ending 30th June last, together with Copies thereto annexed of the representation that I have received from the local authorities as to the necessity of the appointments and encreased Expenditure which have been made. As your Lordship will find upon perusal of the letters alluded to that I have only supplied the actual wants of the Public Service in the measures I have undertaken I hope your Lordship will have it in your power to direct your approval of them to be conveyed to the Colonial Audit Office.

I have the honor to add that I shall in future submit to your Lordship every 3 months a List of such Items of Expenditure as may be incurred on account of the Public during that Period. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

List of Encreases to the Salaries of the Civil Servants on the Establishment of the Government of the Cape of Good Hope, made during the Quarter ending 30th June 1825, which require the sanction of HIS MAJESTY'S SECRETARY OF STATE FOR THE COLONIES.

Civil Servants.	Date of Encrease.	Amount.
1. The Sequestrator	21 January 1825	From 4,000 <i>Rds.</i> per annum to 4,500
2. The Post Holders in the George District	29 June 1825.]	From 3 to 9 <i>Rds.</i> per month per hour.

List of Appointments on the Civil Establishment of the Government of the Cape of Good Hope conferred during the Quarter ending 30th June 1825, which require the Sanction of His Majesty's Secretary of State for the Colonies.

Appointments.	Date.	Amount of Salary.
3. An Additional Postholder in the George District	8 April 1825 .	9 <i>Rds.</i> per month per hour.
4. A Clerk to the Resident at Port Frances	15 May 1825.	300 <i>Rds.</i> per annum.
5. Do. do. Port Elizabeth	14 June 1825	300 <i>Rds.</i> per annum.
6. Two Constables at do. . . .	„	180 <i>Rds.</i> each p. ann.
7. Do. at Port Frances. . . .	„	180 <i>Rds.</i> each p. ann.
8. An additional Messenger in the Sequestrator's Office	23 June 1825	360 <i>Rds.</i> per annum.
9. A Teacher to the Slave School at Stellenbosch	11 July 1825.	333 <i>Rds.</i> 2 <i>sk.</i> 4 <i>st.</i> per annum.

Remarks.

1. A trifling increase to a Salary the inadequacy of which has already been brought under Lord Bathurst's notice and

which was only added in order that Mr. Schönnberg late Landdrost of Swellendam who was appointed to the situation might not be a loser from the change of office, his former Salary having been Rds. 4,500.

2. This encrease only places the Postholders in the George District on a footing with other Postholders in the Colony.

3. Represented by the Landdrost to be necessary for the efficient discharge of the Duties connected with the Post Department and supported by the recommendation of the Postmaster General.

4 and 5. The Secretaries to the Courts of Magistracy are ex officio Public Prosecutors in Criminal Cases, and it is necessary that a Clerk should be attached to the Courts to act as Secretary in such cases. These appointments have been made on the lowest possible scale.

6 and 7. The Constables were a necessary appendage to the Courts.

8. The business of this Office had got into great arrears and it was found absolutely necessary to appoint an additional Messenger.

9. The Solicitude of the British Government being directed to the melioration of the Slave Population this appointment was made in the Stellenbosch District where the Slave Population is greater than in any other part of the Colony. The Salary is Rds. 1000 per annum, one third of which only is borne by the Colonial Treasury.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 2 in the above.]

SEQUESTRATOR'S OFFICE, CAPE TOWN, *June 6, 1825.*

SIR,—The Despatch of public business in my Department being very much retarded for the want of another Messenger, as besides the Auctioneer there is but one Messenger attached to this Establishment, who cannot attend the office and at the same time serve the numerous summons issued from hence, for which reason this duty is not performed with that promptitude which is expected, I am therefore under the necessity of making this representation requesting you to be pleased to

submit the same to His Excellency the Governor and to obtain His Excellency's Sanction to the Appointment of another Messenger, which is indispensably necessary.

I have &c.

(Signed) J. A. SCHÖNNBERG, Sequestrator.

Sir Richard Plasket, Secretary to Government.

[Enclosure 3 in the above.]

GENERAL POST OFFICE, 30 *March* 1825.

SIR,—I have the honor to acknowledge the receipt of a letter from the Assistant Secretary to Government, dated the 25 Instant, and also the copy of one from the Landdrost of George representing that the postholder R. P. Campher is willing to erect a dwelling on his Land contiguous to the public Roads, thereby avoiding the necessity of the mail being sent to his house, and also suggesting Fieldcornet Rensburg should be appointed a postholder between R. P. Campher and M. Muller in consideration of the great distance the two Postholders are compelled to carry the Mail.

In reply I have to state for the information of His Excellency the Governor that owing to the expense that has been incurred by R. P. Campher in purchasing horses for the transmission of the mail to and from the Interior, and as it also appears that by the erection of a post house on his land near the high road, whereby the mail will not be delayed, no objection can exist in his continuing in his present situation of Postholder, and in my opinion the reduction of the distance between Campher and Muller and the appointment of Field Cornet Rensburg as an intermediate postholder will no doubt tend to expedite the forwarding of the Mail, and who will be entitled to the same allowance that is drawn by the other Postholders in the District of George, say nine Rds. per hour per month. I have &c.

(Signed) R. CROZIER.

Sir Richard Plasket, Secretary to Government.

[Enclosure 4 in the above.]

Extract of a Letter from the Landdrost of George to the Secretary to Government dated 11 March 1825.

I also beg leave to add that according to my humble opinion, the Field Cornet Rensburg ought at all events to be appointed Postholder, between R. P. Campher and Michael Muller, owing to the great distance these two postholders have at present to forward the Mail, and that said Rensburg may be granted the same salary as allowed to the rest of the Postholders in this District, being Rds. 96 per quarter, commencing from the 15 Ultó.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 23rd July 1825.

MY LORD,—I have had the honor to receive Your Lordship's Despatch No. 116 of the 27th August last, informing me that it was the intention of Your Lordship to submit to His Majesty that a Pension should be granted to Colonel Bird, late Colonial Secretary from the date on which he ceased to execute the duties of that office, at the rate of Eight Hundred Pounds sterling per annum for his life, or Six Hundred Pounds Sterling a year for his life with a Pension of Three Hundred Pounds Sterling a year for that of his wife, in case of her surviving him, should he be disposed to prefer the latter arrangement.

On receiving Your Lordship's communication I sent a copy of it forthwith to Colonel Bird under date the 10th of March last for his information.

On the 8th of June last, not having received any Reply I desired the Chief Secretary to Government to state to Colonel Bird that I was about to answer Your Lordship's Despatch and that it was necessary I should be enabled to state the decision to which he had come relative to the nature of the pension to be granted to him. To this letter and two subsequent ones

to the same effect (and of which I transmit copies) Colonel Bird has not deigned to make any acknowledgment or Reply, and it is therefore out of my power to give Your Lordship any information on that subject.

I have also, in consequence of the Instructions contained in the above mentioned Despatch, issued a Warrant for the payment of Six Months Salary as Colonial Secretary to Colonel Bird, for the purpose, as stated by Your Lordship of defraying the Expenses of his return to England, and I beg leave to transmit Copy of the Receipt drawn out for Colonel Bird's signature on this occasion and signed by him.

I conclude it does not rest with me, after having obtained this receipt, to see that the object for which this gratuity was made by Your Lordship be complied with. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 8th June 1825.

SIR,—As it will be necessary for the Governor to reply to Earl Bathurst's Despatch, on the subject of the Pension which His Lordship proposed to recommend to His Majesty to be granted to you, as stated in the letter to you from the Assistant Secretary to Government, under date the 10th March last, I have to request you will inform me, what decision you have made on the option left to you by Earl Bathurst, as to the nature of the said Pension, in order that His Excellency may communicate the same to His Lordship. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

Colonel Bird.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 28th June 1825.

SIR,—Apprehending that some mistake may have occurred in the transmission of a letter which I had the honor of addressing to you under date the 8th Instant, His Excellency the

Governor has desired me to forward to you a Duplicate of the same, and to request you would be good enough to acknowledge the receipt thereof. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

Lieut. Colonel Bird.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 18th July 1825.

SIR,—Having addressed two letters to you by desire of His Excellency the Governor under date the 8th and 28th Ultimo, which were transmitted by the regular course of Post, and not having been favored with any reply to or acknowledgment of the said Letters, I conclude some extraordinary mistake or accident must have occurred by which these letters have not reached your Hands.

I therefore send a Special Messenger with this Note, and will thank you to inform me by Him, whether the two letters dated as above have been received by you. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

Lieut. Colonel Bird, late Colonial Secretary.

[Enclosure 4 in the the above.]

Received from M. S. J. McCarthy Esqre. Colonial Paymaster, the Sum of One Thousand Seven Hundred and Fifty Pounds Sterling, being the amount of an allowance granted to me by His Majesty's Government, according to Earl Bathurst's Instructions under date of 27th August 1824, for the purpose of defraying the Expences of my return to England.

[Office Copy.]

Note from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 23 July 1825.

Mr. Hay presents his compliments to Mr. Courtenay and begs to inform him in answer to his note of the 22nd instant that General Bourke is at present in Dublin from whence he is expected to return to Town the first week in August. The General will not, however, sail for the Cape before the middle of next month.

[Original.]

*Letter from the SECRETARY TO GOVERNMENT to
R. WILMOT HORTON, ESQRE.*

CAPE TOWN, July 23, 1825.

MY DEAR SIR,—Having reflected on the numerous Representations and Remonstrances which have lately been made to Earl Bathurst from Individuals either within this Colony, or who have left it for the purpose of making such Representations in person in England, and of the trouble and vexation such Proceedings must entail upon you, and also of the difficulty which we must always find here in providing you with full information and explanation relative to these numerous complaints, from our ignorance of their nature in many cases and from the constant additions and exaggerations and twisting of trifles into grievous injuries which they introduce into their Memorials (and which we cannot be aware they would ever think of bringing forward), it has struck me that it would be attended with considerable good to all Parties, and would facilitate the redress of real grievances, when they do exist, and at the same time shut out unfounded and exaggerated Remonstrances, if Earl Bathurst were to authorize us to give out an Ordinance in Council to the following effect, viz. That His Excellency the Governor in Council would always be prepared to forward to His Majesty's Government any Representation or grievance that the Inhabitants of the Colony might have to make against the Colonial

Government or any of the Local Authorities, provided such Representations be couched in respectful terms. But that as it would be impossible for His Majesty's Government at Home to judge of the merits of such Representations unless they were accompanied by the necessary explanation of the reasons which induced the line of conduct observed towards such Individuals by the Colonial Government or Local Authorities, and by which they considered themselves aggrieved, His Excellency the Governor in Council had received the Instructions of His Majesty's Secretary of State to publish for general information that His Majesty's Government would not henceforth listen to any Representations or Remonstrances which might be made by the Inhabitants of this Colony, unless a Copy of such Documents, or at all events the specific points on which they ground their complaint, be transmitted to the Secretary to the Council previous to the original Representation being forwarded to His Majesty's Government, when it would be the duty of His Excellency the Governor in Council to afford every explanation that might be necessary on the occasion. I think something of this kind would give you great relief, while by bringing these Grievances into Council, it would act as a check upon the Governor. I have &c.

(Signed) RICHD. PLASKET.

[Original.]

Letter from MR. W. A. HANKEY to R. W. HORTON, ESQRE.

FENCHURCH STREET, 23 July 1825.

DEAR SIR,—I beg leave to send you, according to my promise, the reply of Mr. Rutherford, in the discussions on the case of the Settlers in Albany, which, as you will observe from the title, he could not find the means of publishing at the Cape.

I have the pleasure to say that there is no present intention on the part of the persons, to whose care the printing of the pamphlet was committed, to publish it in this country. The greater part of the copies are sent to the Cape. A few will be presented to Individuals in England, who have taken an interest in the question.

I do myself the honor to send a second copy for the use of Earl Bathurst, requesting you to do me the favor to put it in his hand, with such explanations as the case may require.

I am &c.

(Signed) W. A. HANKEY.

[Enclosure in the above.]

A Reply to a Pamphlet printed at the Government Printing Press, Cape Town, Cape of Good Hope, entitled "Authentic Copies of Correspondence," &c., &c., &c. By H. E. RUTHERFOORD.

In Dr. Philip's Reply to the Pamphlet, entitled "Authentic Copies of a Correspondence," &c., most of the statements contained in that publication, bearing directly on the matter in dispute, have been so satisfactorily explained, that it may seem almost unnecessary to advert again to the subject; but as I have been favoured with a considerable number of documents, in addition to those already brought forward, which not only place beyond the suspicion of inaccuracy the details given by that gentleman, but prove, at the same time, that the opinion respecting the Local Authorities of Albany, which I was led to express at the last Anniversary Meeting of the Settlers' Society, was well founded and correct, I trust no apology will be deemed requisite for my intruding on the Public, and availing myself of the best means afforded me, for defending my character against the coarse and illiberal remarks so unguardedly circulated by the writers of the above-mentioned Pamphlet.

The documents now presented were voluntarily forwarded to me, with permission to make such use of them as I might think expedient, or find necessary for my own vindication. Some of them are from individuals with whom I am not personally acquainted, but others, and those the most material to my case, are from gentlemen of the first respectability, and possessed of the very best information in regard to the condition of the Settlers. They require no explanation beyond a few brief references. They are direct and indubitable proofs of the correctness of the opinion, (entertained not by me only, but

by the great majority of the Committee and of the Subscribers to the "Society for the Relief of Distressed Settlers" *) that it was inexpedient to authorise the Local Authorities to co-operate with the Sub-Committee in Albany.

In reference to the public debate which gave occasion to the "Authentic Copies of a Correspondence," &c., and to the consequent replies of Dr. Philip and myself, I think it requisite only further to observe, that having previously carefully investigated, in person, the circumstances and sentiments of the Settlers, I considered it my duty decidedly to oppose Mr. Bird's proposal, from the thorough conviction I then felt (and which nothing that has since occurred has at all weakened), that the adoption of it could not possibly have a beneficial result. I had found it to be a prevailing opinion among the Settlers, that they had not been treated by the Local Authorities with that consideration which their sufferings had merited; and, from what I had myself seen and heard in Albany, I did not hesitate openly to avow my conviction, that these gentlemen wanted not *time* merely, but *inclination*, to attend to the purposes in question. Whether that opinion be satisfactorily corroborated by the collective evidence submitted to the Public, I now leave the Public itself impartially to determine.

Additional Documents respecting the Harden Family.

(Statement of Mary Wakeford.)

"I was the nearest neighbour to the late Wm. Harden, and I can positively state, from my own knowledge, that after he met with the accident, and was unable to work, the whole family were reduced to the greatest want; and that, notwithstanding all the assistance their neighbours could afford to render them, yet they could not have existed, had it not been for the meat, flour, &c. which was humanely sent them by Captain Clarke, and the Officers of the Caffre Drift Posts.

* At the General Meeting, Mr. Bird's proposal to have the Local Authorities added to the Sub-Committee, was supported by only three out of at least 120 Subscribers, and by one person who was *not* a Subscriber, and consequently had no right to vote on that occasion.

The Captain I have seen at the location very frequently ; he was a very charitable gentleman.

"I called on Mr. Godlonton (in June 1823) for relief for this family (from the Landdrost's Fund), and I must say I expected more than I received, (and brought bags with me) which, as near as I recollect, was about half-a-pound of tea, two or three pounds of sugar, one pound of oatmeal, and one pound of sago, and afterwards a pair of small blankets.

"I furnished this family with milk, &c., but, as I conceived Mrs. Harden unable to pay for it, I gave up the money as lost. Mr. Godlonton called on me about a week since, and asked me why I did not send in my bill to him, as he would pay it, *and told me to recollect* he had desired me to furnish the family, and he would be answerable : my bill is about five or six Rds.

"I never saw a family in greater distress than Harden's. He was lying in bed in the greatest pain, but with an appetite that could scarcely be satisfied ; she was near being put to bed, the children covered with sores ; and the one that died was in such a state of mortification, that I could not assist in laying the body out for burial, (although I wished and attempted it.) There was only one bed : Mrs. Harden and the children lay on the floor, and the dead body near them.

"The mark of MARY X WAKEFORD."

"Graham's Town, 19th November 1824."

"Written (and the interlineations (—) made at the request of Mary Wakeford,) by me.

(Signed) "THOMAS PHILIPPS."

(Statement of Seymour, Whittal, and Blair.)

CUYLERVILLE, 21st November 1824.

"Our habitations are very near the one of the late Wm. Harden, whose sufferings, from the earliest period, and those of his family, were relieved as far as the ability of the neighbours were capable of. But the greatest relief and attention was rendered them by Captain Clarke, late of Caffre Drift Post, which only ended by the departure of Mrs. Harden and children from the Party. The extreme state of wretchedness they were

reduced to can only be conceived by those that saw them, and our wives who assisted her during her confinement, she being obliged, three or four days afterwards, to give up her bed to him, and lie on the ground. One child had died a few days previous ; the two others were then very ill, independent of the infant.

(Signed) WM. SEYMOUR,
MARY WHITTAL,
WM. BLAIR."

Witness to signing,

(Signed) JAMES COLLIS.

(Statement of John Rowles.)

"I, John Rowles, was a near neighbour of the family of the late Harden, and frequently waited on Captain Clarke, at the request of that gentleman, and received many presents from him, consisting of wine, tea, &c. Went on a horse, which was then Harden's : witnessed also the visits of the same gentleman, and at his leaving have been told by Mrs. Harden of his aid in small amounts of money ; also have known the private soldiers, who have at times been bearers of some of the above presents, to have contributed their mite towards the necessities of the family. The family received a note from Mr. Godlonton, expressing the Landdrost's wish to be informed of what they stood in need of. I replied, in the name of Harden, that clothes, and particularly bedding, they were nearly destitute of. The result of this was a small pair of blankets. From my constant attendance on Harden's family, can vouch for the distress of them, during the whole of his illness, and never could have contemplated such a scene unless my eyes had witnessed the same.

Witness,

(Signed) JAMES COLLIS.

Cuylerville, 22nd November 1824."

Remarks.

It does not seem necessary to offer any additional comment on the case of the Hardens, farther than merely to direct the

reader's attention to Mrs. Harden's own statement (*see* Dr. Philip's Reply, page 47), where, after mentioning that she came to Graham's Town after her husband's decease, at the persuasion of Mr. Bailie, for the purpose of soliciting relief from the Local Authorities, she states, that she was obliged to remain a fortnight at a friend's house, *before she could obtain an interview with Mr. Rivers*, and when, at length, she succeeded in this, all that she obtained from the Government Fund was half-a-pound of tea, two pounds of sugar, and five pounds of rice. Before she could return to her destitute family with this miserable pittance, the "flood" took place; she "was detained," she adds, "and obliged to consume what was given to her."

(Case of Rachel Willan.)

Copy of a Letter addressed to Harry Rivers, Esq., Landdrost of Albany.

"May it please your Worship,

"A very serious accident having taken place a few days ago to two persons in my Party, I am requested by one of the unfortunate sufferers (Giles Willan, who has broke his thigh, and has a family of three small children), to state to your Worship, that his wife is within about three weeks of her confinement, and would feel grateful if you will be pleased to allow her the privilege of some linen, &c. from the Settlers' Fund Society, and am, your Worship's Most obedient, humble servant,

(Signed) WM. HOWARD,
"Head of the Party."

"Graham's Town, Sept. 13 1824."

"The original (of which the above is a correct copy) was presented to Mr. Rivers, through the messenger Clarke, on the day of the date which it bears; and on the succeeding day I called for an answer at the Public Office, and was met by Mr. Dyason, who told me the Landdrost had granted my request for Mrs. Willan; and I then said, "Will you have the goodness to give me the order now?" and he answered, "Yes." I then went to the Post Office, and he wrote a request to Mrs.

Dyason, to give the woman *all* the articles which were left in the store ; and being anxious to serve her, I went to Salem Hills during the afternoon of a very rainy day (Sept. 15), and Mrs. Willan and Mrs. Bainbridge came to town on the following day, a distance of seven miles ; and the facts stated in the annexed deposition were written down by me, as they were stated by Mrs. Willan in the presence of Mrs. Bainbridge.

(Signed) "WM. HOWARD."

"Graham's Town, September 24, 1824.

"Please to let the bearer have as under :—

2 lbs. Sugar,
 $\frac{1}{2}$ lb. Tea,
 $\frac{1}{4}$ lb. Grits or Sago.

(Signed) "G. DYASON."

"September 15th, 1824."

"This is Mrs. Dyason's instructions to Mr. Clarke concerning Mrs. Willan ; but there was nothing in *his* store, and it was returned to me. So the woman has had a journey of fourteen miles, and received nothing.

(Signed) "WM. HOWARD."

"You (Mr. Howard) gave me an order upon Mrs. Dyason for linen, &c. I went from Salem Hills to Graham's Town, and presented my paper to Mrs. Dyason in company with Mrs. Bainbridge. On our arrival there, we learned from Mrs. Dyason that there was nothing in the store, and that Mr. Dyason (his wife said) must be aware of it. Mrs. Dyason said, I might either call upon Mrs. Rivers, or she would call upon her, and I might come again on the following Tuesday. Not finding it convenient to come to Graham's Town again at so early a period, I called upon Mrs. Rivers that day ; Lucas, the Constable, took the message into the parlour to her, and instead of Mrs. Rivers, Mr. Rivers came out, and the first words he said were,—‘What the h-ll and d——n do you want with ladies?’ Mrs. Bainbridge said, ‘We have been to Mrs. Dyason's, and there is nothing in the store.’ ‘Very well,’ he said, ‘if there is nothing, she can have nothing.’ Mrs. Bainbridge said,

‘This is the poor woman (meaning Mrs. Willan) whose husband has broke his thigh.’ ‘What the h-ll have I to do with that!’ he said, ‘if there is nothing, she can have nothing;—I’ll teach Mr. Howard not to send people here!’ Mrs. Bainbridge then said, ‘Mr. Howard did not send us—Mrs. Dyason told us to come.’”

(Signed) RACHEL WILLAN,
The mark of (X)
ELIZ. BAINBRIDGE.

September 22, 1824.

“This was written down exactly as it was stated by Mrs. Willan and Mrs. Bainbridge, by me,

(Signed) WM. HOWARD,
Head of the Party.”

(Case of Richard Ralphs.)

“The undersigned states, that after fifteen days’ illness, and again a fortnight more, under Dr. Smith, and his circumstances being inadequate to pay the same, Dr. Smith recommended him to apply to the Landdrost of Albany for attendance gratuitously. The undersigned waited at the office, in hopes of seeing him, from ten till three in the afternoon. Not being able to see him that day, he called in the morning, and, after waiting nearly the whole of the day, the Landdrost directed an order to be made out for the attendance of the District Surgeon. The undersigned, considering this a good opportunity to state the extreme state of wretchedness his family were reduced to, began to acquaint him therewith, when he instantly turned away without taking any notice that I was addressing him at all.

(Signed) RICHARD RALPHS.

Witness.

(Signed) J. COLLIS.

Ford’s Party, October 31, 1824.”

(Case of Sarah Torr.)

I am the widow of Robert Torr. My husband had been in a declining state of health for the last twelve months. About

four months ago, Mr. Elmsby, Under-Sheriff, who received my husband's pension of ninepence per diem, wrote to recommend me to bring him into Graham's Town to get medical advice from the District Surgeon ; and others had told me a hospital was preparing. He was then very much reduced ; but as he could not afford to pay for advice, and our neighbours lending us some bullocks, and another a waggon, I took him into Graham's Town. On our arrival, Mr. Elmsby spoke to the Doctor, and he very kindly spoke to my husband about his complaint, but told him that the debtor's room, which was to be fitted up as a hospital, was not ready ; there was no fire-place, and no glass to the window, and it would kill him to place him there ; and he recommended him to go to the Landdrost, to see if he would give orders to provide him with a room. As I was a stranger in Graham's Town, I called at the Landdrost's house instead of the office : this was about two o'clock. Mrs. Rivers went into the room to tell him he was wanted ; he came out, and very sharply said to me :—“ Well, what do you want ? ” I then told him, as well as I could, (for his manner had quite fluttered me,) that I had brought my sick husband in the waggon from our Location, (forty miles) and that the Doctor had bid me call on him to know if he would be so kind-as to order a place for him. He then said,—“ Place !—I have no place for him : you have called at an improper hour, and at an improper place : call to-morrow at the office, and I will see the Doctor about it.” I took my leave, hoping he would excuse my ignorance. The next morning I called at the office ; and as soon as he saw me, he ordered the Doctor to be sent for. He then said he should be back in a few minutes, and went home. When the Doctor came, I told him the Landdrost was gone to his house. He followed him, and soon after I saw them talking together in the street : they both came up to me, and again he said,—“ Well, what do you want ? ” He said this so sharply, that I was nearly crying, and I was quite overcome ; I only said, I wanted some assistance for my husband. He then said,—“ But yesterday you spoke about some place.” “ Yes, sir,” I replied, “ I did ; but now I wish to take him back with me ; ” for I began to think that I could not be happy in leaving him with strange people ; and the Landdrost's manner cut me to

the heart ; and I could not stay in Graham's Town with him, as I had six children to take care of at home, and they told me I must pay for a woman to nurse him, which I could not do. He then turned round to the doctor, and ordered him to give me what medicine I wanted. As he had spoken so harshly to me, I could not speak my mind to him, and ask him for some assistance for our support. The doctor gave me some powders, and behaved very kindly to me, by his kind manner. After being absent six days, we returned to our children ; and, in a month afterwards, my husband died. Many of my friends have been very kind to me ; and I have received assistance from the Fund (Sub-Committee) which has sustained me and my five children : the other child a neighbour has taken.

The mark of X SARAH TORR.

Cox's Party, 22d Oct., 1824."

" Written, and afterwards read to Sarah Torr, by me,

(Signed) THOS. PHILIPPS.

(Case of Mr. Price Adams.)

Letter from Rev. Wm. Geary.*

GRAHAM'S TOWN, 26th October 1824.

" SIR,—Having lately seen some letters published in favour of Mr. Rivers' humanity and benevolence of character, I think it proper to inform you, that I was on terms of intimacy with Captain Clarke, late of the 6th Regiment, and who has since proceeded to Van Dieman's Land. This gentleman assured me, that he submitted a case of extreme distress, in writing, to Mr. Rivers, stating details of the most afflicting nature, and pointing out the necessity of immediate relief. The circumstances of this truly pitiable case, the Captain stated to me, were of such a nature, that we should only expect to see them depicted in a novel, and not to witness them in real life.† His application, however, for the relief of this individual, whose name is Adams, (formerly a wine-merchant,) meeting with

* The Rev. Wm. Geary, Chaplain of Graham's Town, and Episcopal Clergyman of the District.

† See Mr. Pringle's Account of the State of the Settlers, page 78.

no reply, he took an early opportunity of coming from Caffre Drift to Graham's Town, and calling on the Landdrost, to excite his concern in behalf of the unhappy sufferer. But Captain Clarke informed me, that neither application succeeded in procuring the slightest relief for this man, his distressed wife, and children.

Since that period, however, I believe that Adams has succeeded in procuring a loan from Government.

You are at perfect liberty to make use of my name, as I have no other object in making this communication, than to have the truth fairly stated. I have &c.

(Signed) WM. GEARY.

H. E. Rutherfoord, Esq., &c. &c.

(Mr. Adams's own Statement.)

“When His Excellency opened a subscription in Cape Town for the relief of those who had *seen better days*, the amount to be remitted, and at the disposal of the Landdrost, Secretary, and Senior Heemraaden of the District of Albany, I applied, by letters, to them ; and the Landdrost (Mr. Rivers) promised me, when the money arrived, I should be remembered, but I never heard from him on the subject. In the meantime, I continued cultivating my land without success, until I had parted with everything.

“Being obliged, from peculiar circumstances, to remove to a distant part of my location, remote from every one, my wife was there confined in a miserable hut ; and for want of means to have assistance, I became accoucheur, nurse, &c. ;—my place almost washed away by the heavy rains, and my crops a fortnight under water ; without regular food,—pounding a pound of Indian corn per diem ; we lived, four of us, chiefly on sea snails and muscles, when I could procure them by wading in the sea. Thus situated, I was relieved by the Settlers' Fund Society for Relief of Distressed Settlers. Soon after which, I was informed of money being in the hands of Mr. Rivers to be distributed by way of loan to those who had lost their crops, and that my name was down for 500 Rds. I left my wife, just confined, and children alone on the plain, and

walked to Graham's Town (45 miles). I waited on the Landdrost (Mr. Rivers), stating what I had heard. He pretended to be surprised ; said he had no such money ; that if 50 Rds. was of any use to me, he would advance it at his own risk, and recommend my case to His Excellency. I replied, 50 dollars would go a very little way towards repairing my losses ; that 500 dollars would enable me to purchase cattle, what I most wished for, as it was impossible to depend on the land for support. He then said he would recommend me to say 200 dollars, and he would write to His Excellency ; and that I might have the 50 dollars on Monday. I replied, I should wish to have it (the loan) in one sum. I went from him to Mr. Philipps. On stating to the latter what had passed, he advised me to take the 50 dollars.

" On Monday I waited on Mr. Rivers, when, to my astonishment, he sent his clerk to know what money I wanted. Confused, I stared at the clerk, who seemed also panic-struck at my miserable countenance. I hesitated, not knowing what answer to make after Mr. Rivers having told me he had no money to lend ; however, seeing the clerk write down Mr. Griffiths 250, I ventured to say 200 ; requesting, by note, at the same time, that Mr. Rivers would write to His Excellency, as he had promised. This was on the 20th December, 1823, a *twelve-month* after I had requested assistance. On writing to know whether he had any answer from His Excellency as to a further loan, he replied there was no more money for me ; although a quarter of an hour before he told Captain Crause the money was ready for me, and I might have it at any time.

The security I have given for the 250 and 600 Rixdollars received by me from Government, on the 2d of September last, is a bond on my property, both personal and real, payable with six per cent interest, and the capitals, after two years, by instalments of ten per cent.

(Signed) THOMAS PRICE ADAMS.

Albany, Nov. 12, 1824."

In a letter, dated November 2, 1824, Mr. Adams makes the following remarks :—" With regard to Mr. Rivers's conduct in

attending to the interests of the Settlers, and in relieving them, I shall only speak as far as regards myself. Although I live 45 miles from Graham's Town, (making 90 miles out and home) I have generally had to wait *days* before I could obtain an audience, or get my business despatched ; and sometimes had to make a second journey."

Extract of a letter from Mr. Christopher Dale, dated 11th January, 1825.

"In December, 1823, I was applied to by Harry Rivers, Esq., Landdrost of Albany, to procure stones, and deliver them at the Drostdy House, for which he promised (personally) to pay me two Rixdollars each load. I was induced, upon receiving this order, to purchase a waggon at the vendue of Peter Retief, for 250 Rixdollars. On completing the work, I applied for the amount due to me, being 266 Rixdollars, upon which the Landdrost desired me to call in a week ; after that I was to call to-morrow, and in this way I have called upwards of forty times, always waiting at least four hours before the Landdrost would allow me to be admitted to his presence."

(Statement of B. Patrick.)

Exact Copy.

"SIR,—I find my self to Be very Ill used By the Officers intrusted with the Stores from our Good and Kind Government. On the 13th of September Last, I asked Mr. Rivers for a second muid of Seed Corn ; he said Mr. Diason would give me answer. Mr. D. standing By said, Call next week. I did so on the 18th ; Mr. D. said he had not time to give it.

I called again the 24th—on the 1st October—the 8th—on the 16th—on the 23d—on the 1st November—the 5th—the 12th—the 20th—the 25th—the 26th.

Thos. Holmes had called twice on Mr. Diason with my sacks for it—in all, fifteen times—Mr. Diason was called on for it before it was Delivered. My own, 13 Journeys, at 32 miles, will be *four hundred and 16 miles.* (416.)

And that is not all ; Mr. Wait had Paid the Landdrost,

6 weeks before I had it, for 2 muid—one for himself, and one for me. I could not get but one muid and Eighty Pounds, and the Eighty Pounds was such Damaged wheat I never saw. I have sent you a sample of it. Mr. Dison took the Broom shaft to loose it from the floor, and to Breake the Cakes asunder.

“Sir, I have &c.

(Signed) B. PATRICK.

Salem Valley, Nov. 29, 1824.”

“P.S.—This wheat was Damaged thro’ the officers having *not time or inclination* to attend to give it to the Settlers.”

Extracts of Letters from Captain Campbell.

“GRAHAM’S TOWN, *Sept.* 28, 1824.

“Should you conceive the cases already in your possession, not sufficient to bear out what you have said, it will not be difficult to find many others of a similar nature, and especially where the *attendance* of the applicants for relief far exceeded the value of the assistance they received; I mean, where the parties waited day after day, and made journeys to and from their locations, which was often of more consequence to them than three times the assistance they received.

(Signed) D. CAMPBELL.”

In another letter, dated Nov. 1, 1824, Captain Campbell observes, in reference to the case of a person of the name of Walker, to whom (according to Mr. Godlonton’s phraseology) the Landdrost had issued “*quantities* of rice, sago, oatmeal, sugar, &c.,” that “this man waited three days at Graham’s Town before he could see the Landdrost; and had he been obliged to subsist himself (instead of living on the charity of his acquaintances) during that time, and the two days he was travelling, he would have expended eight or ten times the value of these ‘quantities’ * of good things which were given him.”

* For the “quantities” and other particulars of this case see Dr. Philip’s Reply, page 74.

Extract of a Letter from W. T. Blair, Esq.

November 19, 1824.

“ We have just completed our excursion through the locations of the Settlers. Our journey was rather hurried, but still we saw enough to satisfy ourselves, and, I trust, to put to rest the much agitated question of distress in Albany. There unquestionably has been very great and general distress amongst all classes ; and though it does not now exist to the extent it has done, it has by no means passed away. We scarcely tasted a piece of wheaten bread in all Albany ; and numbers are now for weeks together, without seeing flour, tea, sugar, and many other common comforts of life in their houses. Most are still very ill off for clothing and bedding, and almost everything that requires money to procure ; for there is little or no money in the District, and although wages are nominally high, yet, from being almost always paid by orders on the shops, or by some kind of stock or other that the labourer does not particularly want, their real value is much reduced. Nor are provisions so cheap as has been imagined, as you will see by the price of the following articles :—Flour, (a low average) 20 Rds. a muid, often 30 and upwards ; Rice, per bag, 20 Rds., frequently 25 and 30 ; Sugar, per 100 lbs. 20 and 24 Rds. ; Clothing extremely dear.

“ Those who were sent out by the parish, or who came here without a dollar in their pockets, are certainly better off than they were in England ; but on the other hand it may be safely asserted, that every man who brought out property, and has remained on his location, has retrograded in his circumstances and condition, and all have suffered severe losses and misfortunes. If masters have not actually become servants to others, they have generally been reduced to nearly the same level : those who came out expecting to command the labour of others, are forced to labour for themselves for a scanty subsistence, and many without assistance of any kind ; not even a single domestic servant ; all the laborious household duties falling upon their wives and daughters, many of whom had previously been accustomed to have all their wants anticipated. And yet, because these people have never perhaps been in actual *want of food*, but could, in the worst of

times, contrive to procure a meal of a little Indian corn and garden stuff, persons are to be found so devoid of feeling, or so gross and vulgar in their apprehensions, that they can conceive of no misery or want, except the very cravings of hunger ; and who assert that there has been but little *distress* in the country. Some of the people who are now so clamorous on this side, have actually been themselves relieved by our Society.

“ We made inquiry as we went along, and found that Mr. Rivers had not visited the locations for about two years ; and when he did go through them, he merely spoke to some of the heads of parties, asking them a few useless questions, but had *never once* called at the houses of the rest of the people, to see what they had lost, or what exertions they had made. One would have thought that, after the late floods, he would have gone round and visited each family ; but he did no such thing, either then or at any former period. Can any better proof of the correctness of Mr. Rutherford’s assertion be desired than this fact ?

(Signed) W. T. BLAIR.”

Dishonoured Loan Bills.

Among the various grievances which the Albany Settlers complain of as arising from the want of “ time or inclination ” (or some other want, perhaps, of a still more serious kind,) on the part of the Local Authorities, the dishonouring of the Loan Bills issued for their relief by the beneficence of the Home and Colonial Governments, is certainly one of the most inexcusable, and, I may add, *unaccountable*. The first of the following extracts in illustration of this fact, is taken from a Memorial recently sent in to the Colonial Office by a few of the most respectable Heads of Parties, by whom I have been kindly favoured with a copy :

“ That Memorialists have understood, that it is a prescribed duty of the Landdrost not only to visit all parts of the province committed to his care, but to consult with his Heemraaden, and the farmers themselves, upon the measures most conducive to the interests of the District ; but Memorialists leave it to your Excellency to decide how far this duty has

been fulfilled with regard to them, when the Loans which the beneficence of the British Government had intended for their relief, and after being granted by your Excellency, and drawn for by the Landdrost, are returned under protest from Cape Town, to the destruction of the credit of the few who had hoped to participate in the advantage of them."

Extract of a letter from a Member of the Sub-Committee (in Albany) of the Society for Relief of Distressed Settlers, dated December 6, 1824.

"Mr. Wait complains of the return of his Bill for a loan. He applied for it last October, when his house was washed down. But the Bills drawn upon Mr. Reitz, the Agent for the District, are returned protested; the consequence is, that Mr. W. cannot get a Hottentot to work for him. He told me his credit was quite ruined, and that he was upbraided at the Missionary School with not paying his servants.

"Palmer, a tanner, is similarly situated. He prayed Mr. Rivers to have mercy upon his time.

"Mr. Wainwright also had a bill returned, which was offered in Graham's Town at fifty per cent discount.

"These bills fall into the hands of the merchants, who have, in general, some end to serve by keeping in with the Landdrost;—for instance, in reference to the market regulations—if they deserve the name.

"The Boors are prevented from selling less than a whole load of meal, which none can buy but the storekeepers, who have thus a monopoly, and sell it out by the muid, at a great profit.

"Again,—Mr. Hugh, the principal of them, is Pachter, and paid his pacht-money lately, in a great part, by protested bills.

"Mrs. Cadle, the widow, has had a loan draft these nine months, but the bill is come back protested, and we are forced to relieve her with 50 Rds. more from the Society."

Another Member of the Sub-Committee in Albany states, in a letter dated Nov. 30, that,—“A person of the name of Palmer has written to the Governor respecting the return of his loan-bills, and requesting an inquiry into the conduct of

Mr. Rivers. I believe that all the loan-bills have been dishonoured excepting three or four of trifling amount. I have written to the commissioners of inquiry on the subject.

Certificates in favour of Mr. Rivers.

In the extract of Mr. Rivers's letter to Mr. Brink, he observes, that he has procured documents from several respectable individuals which fully confute my assertions, and that he considers their testimony as conclusive and satisfactory as that of the whole community, to whom, he adds, he would not hesitate, if necessary, to appeal. Mr. Rivers appears in this instance either to be deficient in candour, or to have taken for granted what was at least questionable. "*Ab uno disce omnes*," is a very convenient, though not a very just or fair mode of arguing. Why Mr. Rivers should conceive it unnecessary to apply to several of the most respectable individuals in Albany, would appear very extraordinary, had not a better reason been found than the one he has assigned.

To say the truth, I scarcely ever was more astonished than at the first perusal of Mr. Rivers's pamphlet. I had conversed with many of the persons whose signatures are attached to the address, and heard their grievances from their own lips. I had afterwards inquired into the truth of those statements, and found them corroborated by other respectable individuals, and I was quite at a loss to account for this sudden change of sentiments. Since that time, I have been at some pains to ascertain the real history of this transaction, and I feel it a duty both to myself and the public to make known the following passages from letters I have received from various quarters on the subject.

"Albany, September 25, 1824.

"The plan of collecting signatures was to go about secretly, shewing the address only to such as could be cajoled or terrified. 'Do you mean to be an enemy to the Landdrost or not?' was the usual introduction of the subject. Other arts and threats were used. The intended visit of His Excellency the Governor was significantly hinted; and, in short, every sort of artifice

employed to procure signatures. That all this should operate with the generality of persons, is not to be wondered at. They forgot all they had previously suffered and loudly complained of."

"Albany, September 20, 1824.

"It would occupy too much of your time to read the various arts employed to procure signatures, and the different arguments used with different persons, but I shall *register* them. It has been a most disgusting affair, and has given great uneasiness to many very respectable persons who were induced to sign it."

Compare the above with the following extract from the letter of another gentleman of the highest respectability, who fully authorises the mention of his name.

"Graham's Town, Nov. 7, 1824.

"I had often heard it stated that Mr. Charles Crause, in going round the locations for signatures to the Certificate of the Landdrost's humanity, had endeavoured to intimidate the people to sign it. I did not mention the matter before, as I was not certain of its truth, but at the meeting at Bathurst, I met several persons who came voluntarily forward to state the fact. At first he endeavoured to persuade by gentle means; but when he found them hesitate, he observed, 'What! you don't want to be considered an enemy to the Landdrost?' and when he found this insufficient, he reminded them that by their conduct now, the Landdrost would in future be able to distinguish between his friends and his enemies. Should you think it necessary to state this fact, you are perfectly welcome to make use of my name; and if they call upon me for proofs, I am quite ready to produce them.

(Signed) DUN. CAMPBELL."

In corroboration of the preceding extracts, and for that purpose only, I give as I received it, without the alteration of a single letter, the following singular list of recantations. It was sent to me by a person whom I never saw, and who set it on foot of his own accord.

Recantation Paper.

We, the undersigned, having signed a paper requested by Mr. C. Crause ; but being at that time entirely ignorant of the true purport of it, (now evinced by the late publication of a Statement of Correspondence between the Landdrost of Albany and certain individuals,) now certify, that were the same tendered to us again for our signatures, we would not sign it.

(Signed) JEREMIAH LONG

(The above signature was obtained by Mr. Crause during my absence from home, from my wife).

WILLIAM ELLIOTT

JAS. RICHARDSON

WM. DENTON

(My Signature was obtained in the same Manner as J. Long's.)

W. CLAYTON

WM. PIKE

(My signature was obtained the same as J. Long's.)

GEORGE HODGKINSON

JAMES USHER

(My Signature was obtained in the same manner as J. Long's.)

JAMES RANDALL

(My Signature was obtained in the same manner as J. Long's.)

PHILIP HOBBS

(My Signature was obtained without my consent.)

WM. BARTLETT (his X mark)

(My Signature was obtained without my knowledge or consent.)

HENRY FOULDS

BENJAMIN KEETEN

W. HARTLEY

GEORGE BROWN

JOHN ARMSTRONG

T. HARTLEY

FRANCIS ALLISON.

SAMUEL JAMES

(Mr. Cross obtained my signature through being late, and had not time to read the Petition.)

JOSEPH TROLLIP

THOMAS BAKER

W. STANTON

(being Dark I did not know what I Signed, as Mr. Cross told me diff.)

WM. TROLOP

(Mr. Cross has obtained My signature from My Father, not from Myself.)

SAML. LIVERSAGE, head of Party

RICHD. FORRESTER

WM. MOUNTFORT

THOS. MANLEY

(Being Decvd. I did not know what I signed.)

WM. FORD

ALARAN ROBBINSON

JOHN SANDERS

AB. COLLIER

THOS. JARMAN

The mark of (X) JOHN GITTINS

Ditto (X) JOSEPH KING

Ditto (X) JOSEPH KING, Jun.

RICHARD HAYHURST

(it was represented to me in a very different manner to what I afterwards was informed.)

WM. BOND

(When Mr. Geo. Dyason requested me to sign the Paper respecting the Landdrost, he made such representations as I now consider to be entirely false.)

Witness to this signature and Statement.

RICHARD WHITE.

THOMAS OVERA

signed the paper brought by Mr. C.
Crause through misrepresentation.

JOHN OVERA

signed the paper brought by Robt.
Helmstey, Under-Sheriff, through
misrepresentation.

Witness : RICHARD WHITE.

JAMES POWELL, of New Bristol, near
Bathurst, declares that Mr. Crause
obtained the consent of his Wife
for his name.

Extracts from a Memorial or Requisition recently transmitted
to the Colonial Government through Mr. Brink, Acting
Colonial Secretary, &c.

“The undersigned, inhabitants of Albany, having read in a Pamphlet which has been widely circulated through the District, and which, among other matter, contains a List of Signatures (purporting to deny the correctness of some assertions which had been made at Cape Town regarding the conduct of the Local Authorities,) many of which were so obtained that they cannot be considered expressive of the opinions of the individuals, much less of the public at large ; and as the Landdrost of Albany has stated that he would not hesitate, if necessary, to appeal to the sense of the community ; the undersigned firmly and conscientiously believing that sense to be directly the reverse of that which is assumed, request that His Excellency will be pleased to sanction a meeting of the inhabitants, for the purpose of publicly expressing the opinions thus publicly appealed to.

“The following resolutions comprise the subjects to which it is proposed to confine the deliberations of the meeting, should His Excellency be pleased to grant it.

“No. 1. That the Signatures affixed to a Declaration recently published were so procured, that they cannot be considered as a spontaneous and fair expression of the opinions even of that portion of the inhabitants whose testimony was solicited.

"No. 2. That it appears to this Meeting, that the account published of the application of the charitable funds intrusted to the Local Authorities in Albany is incorrect and unsatisfactory.

"No. 3. That it appears to this Meeting, from recent information, that Government have adopted measures to relieve the necessity of the Settlers by small loans of money, but that these benevolent intentions have been totally frustrated by the ignorance in which the majority have been so long kept in regard to them, by the procrastination peculiar to this District, by the confined and partial mode in which they have been given, and, above all, by the almost uniform *non-payment* and return of the Bills drawn by the Landdrost for that purpose.

"No. 4. Resolved, therefore, that it appears to this Meeting that the Settlers have no prospect of benefiting by the bounty of Government whilst it is allowed to flow through this channel.

"No. 5. That it is the opinion of this Meeting, that though essential benefit may arise from the expected distribution by loan of such of the subscribed funds as may be found to exceed the demands of immediate want, yet that nothing short of the fostering hand of Government can replace the capital fruitlessly expended, or enable the Settlement to recover from the consequent depression.

"No. 6. That should the Settlement, through the paternal care of Government, succeed in obtaining loans to the extent for which adequate security can be given, and the means for supplying labour which must follow, nothing can be wanting to secure the prosperity of the Settlement, but the appointment of a magistrate, who, to habits of punctuality and despatch, adds a conciliatory deportment and disposition.

"No. 7. That the Resolutions be transmitted through the Landdrost to His Excellency the Governor. &c. &c.

(Signed)

G. PIGOT	W. SMITH	C. GRUBB
THOS. PHILIPPS	H. MARSHALL	W. DOLD
MILES BOWKER	R. WHITE	J. WITHERAGE
D. MOODIE	J. PALMER	R. HARVEY
F. CARLISLE	W. BEAR	J. DOLD
D. CAMPBELL	J. RATHBONE	G. DOFFLE

R. CARDIN	R. KNOWLES	J. MORRIS
W. SHEPHERD	W. MUSTER	J. BRADFIELD, senior
J. WYBROUGH	R. BAGSHAW	E. BRADFIELD
G. NELSON	F. MARSH	J. BRADFIELD, junior
J. STIRK	B. BOOTH	J. BRADFIELD
F. KEAN	J. ROE	G. MIGYNSTON
C. ADCOCK	G. PEACH	W. WRIGHT
W. MAIRE	G. JENKINSON	J. WRIGHT
J. PENNELL	C. RAWLIN	W. HARTLEY
W. BOND	C. WEBB	H. FAULDS
J. BIGGS	W. BOND	J. PARR
R. PITT	W. BIGGS	G. BROWN
J. RICHARDS	J. DOYLE	J. DEDMAN
C. HARWARD	C. WOOD	J. COCKCROFT
S. DUCKBURY	W. CLAGG	J. COCKCROFT
J. ROBINSON	J. WHEELDEN	F. BENTLEY
R. SATCHWELL	S. FREEMANTLE	J. DALAS
J. WHITE	P. SUTHERLAND	W. SMITH
P. DIXIE	J. WITHAM	W. SMITH, junior
T. WARD	J. EDKINS	J. KING, senior
W. FOWLER	A. CONIVAY	J. KING, junior
J. WEBB	J. SWEETMAN	P. KING
J. FORD	M. FITZ	W. SMITHSON
J. KEMP	P. BAGELEY	W. GITTINS
J. CARTY	J. HUTCHINS	S. BUIE
S. HAYNES	J. BROWN	G. PALMER
J. STEWARD	W. WILLIAMS	W. BISHOP
J. HYLES	J. USHER	W. PIKE
H. LATHAM	J. WARDEN	J. PIKE
J. LATHAM	JOS. USHER	G. PIKE
J. FARR	J. HAWARD	F. ALLISON
C. MARSHALL	JNO. HAYWARD	G. HODGKINSON
C. WEBB	E. DICKS	W. ELLIOT
B. PATRICK	J. USHER	M. ELLIOT
R. BOWLES	T. LANHAM	B. KEETON
J. EVANS	J. RANDALL	J. WILKEY
R. LARCAN	W. TROLLIP	C. GOLDMAIN
J. WALKER	J. TROLLIP	W. INGRAM
J. NORTON	R. ROGERS	F. GOULDING
W. CHADWICK	J. MURRAY	G. SAMORE

H. HOLLAND	R. KILBRICK	G. GOULDING
J. BIGGS	C. MONNEY	G. AUTON
J. STEVENS	J. KENT	P. VALENTINE
J. GODELY	S. GRADWALL	J. TROLLIP
C. THOM	R. FOXCROFT	J. WEAKLEY
J. TIMLET	G. WHITEHEAD	W. ELIJOT
J. NORTON	J. DITTYSHAM	V. STANTON
S. HAW	J. PEEL	BRENT
J. WILMOT	J. BISSET	J. WHITEHEAD
J. WITHAM	W. HUNT	H. KING
J. HAYWARD	R. PAUNTON	R. WALKER
W. BANKS	W. HOWARD	A. BIGGAR
W. E. ANDERSON	M. VEST	S. BENNETT
G. EVANS	S. DRIDGE	R. FORESTER
T. HARTLEY	N. DICKS	J. LIVERSAGE
T. HARTLEY, junior	J. NISBETT	W. CALVERLEY, junior
S. H. BRADSHAW	T. BAKER	W. BOWLES
R. BRADSHAW	P. PINNOCK	E. HOLEY
F. FODEN	K. KNOTT	J. MAITLAND
W. BENTLEY	G. CLAYTON	H. HARPUR
G. MARSDEN	W. CLAYTON	J. POULTON
W. STIRK	J. RICHARDSON	J. HARPUR
C. TIMMS	L. WALSH	J. POULTON
E. TIMMS	R. SIMPSON	W. PARR
J. HENDERSON	W. DENTON	T. P. ADAMS
T. MAINMAN	R. HULLY	J. WAINWRIGHT
W. SOUTH	J. SANDERS	B. BIDDULPH
J. DRIDGE	J. HISCOCK	M. BIDDULPH
H. STIRZEKOR	T. DUXHEMY	J. CALVERLEY
W. GRADUALL	W. COOK	J. BIDDULPH
W. CAWOOD	A. COLLIER	J. CANNON
D. CAWOOD	J. BROWN	R. WEBB
J. CAWOOD	C. WIDDERBURN	G. WILLAN
J. CAWOOD	T. SORMAN	R. GARVEY
J. SMITH	C. DEANE	W. FLETCHER
T. STROM	J. OVERA	G. PHILLIP
B. HALL	J. OVERA, junior	C. KESTAL
G. PHILIPPS	T. STYLE	T. PAGE
J. CARLISLE	I. FARLEY	D. ROOS
J. COLLIS	P. KING	T. BAINBRIDGE

J. H. GREATHEAD	J. KING	W. CALVERLEY, junior
R. MILES	W. NEAT	J. STANLEY
S. TROLLIP	W. M. BOWKER	D. VENABLES
J. RALPH	M. B. BOWKER	F. HARRISON
G. PAYNE	T. H. BOWKER	W. FORD
J. DICKS	W. SEYMOUR	J. MANLEY
G. FORD	W. BLAIR	W. MOUNTFORD
W. BARTLETT	J. W. HEATH	C. DALGAIRNS
R. RALPHS	G. F. DEAN	I. HOLMES
P. HOBBS	W. WHEATLEY	J. SHORT
P. PETERSON	J. PARR	G. BLACKMORE
D. COLLY	J. DICK, junior	S. VENABLES
J. WRIGHT	J. M. BOWKER	R. MANLEY
S. JAMES	J. LONG	D. FINNER
J. WARRON	J. FORD	J. MANLEY
J. NELSON	J. STAMPFORD	A. ROBINSON
H. SHEPHERD	R. FREEMANTLE	I. THOMAS
H. PEDLAR	G. KIRKMAN	R. GILESHALL
J. LE PANS	J. MILDENHALL	R. H. RUBRIDGE
JOHN MOODY	J. WALKER	W. WATSON
W. WHINN	J. WHITE	C. SLATER
W. CAREY	J. BLACKMORE	C. P. CROFT

Resolutions of the Society for Distressed Settlers.

So much has been said on the subject of distress in Albany, and so many false and erroneous statements made, that, without giving any opinion of my own, it will perhaps not be thought irrelevant to the present subject, to put the public in possession of the opinion of the Committee of the Society for the relief of Distressed Settlers, expressed in Resolutions passed to the following effect on the 28th December; a copy of which has been kindly afforded me by the Committee.

COMMERCIAL EXCHANGE, December 28, 1824.

“ At a Meeting of the Committee held this day,

Present.

W. W. Bird, Esq.
Rev. G. Hough, A.M.
Col. Chaplain

R. W. Eaton, Esq.
R. J. Jones, Esq.
Samuel Bailey, Esq.

J. Philip, D.D.	James Abercrombie, Esq.
W. Wright, A.M.	G. Thompson, Esq.
W. T. Blair, Esq., Hon. C.C. S.	R. Morrison, Esq.
Captain Miller, Hon. M. S.	(H.E.I.C.S.)
„ Robertson, Do.	W. Leycester, Esq., Do.
„ G. W. Mackenzie, Do.	H. E. Rutherford, Esq.

R. Morrison, Esq., in the Chair.

“Resolved, first, That in vindication of its own character, and that of this Society it represents, this Committee deems it necessary to record the sentiments of deep regret with which it views the reports that have been industriously circulated, tending to impress the public mind both in England and India with the belief, that the subscriptions for the benefit of the Settlers in Albany have been obtained on false pretences and exaggerated statements, and insinuating that the objects of this Society are not those which it has publicly professed.

“Secondly, That possessing in its own records a large body of correspondence with the Settlers of all classes, and having been for a considerable time in constant communication with a Sub-committee of the most respectable gentlemen among the Settlers, and others resident in Albany, who both jointly and individually have spared no pains to acquire the most minute and accurate information on the subject; and numbering, as it now does among its own members, no less than five gentlemen wholly unconnected with the Settlers, who have personally visited their locations during the last twelve months, for the purpose of making themselves acquainted with their actual condition; this Committee considers that it possesses the best possible evidence which can be obtained, regarding the past sufferings and real wants of the people whom it has been the object of the Society to relieve.

“Thirdly, That on an impartial review of the several printed reports which have gone forth from this Society to the public, and on which the subscriptions have been raised, this Committee sees no ground whatever for considering that the statements they contain regarding the distress in Albany (much of which still remains) have been either exaggerated or unfounded; but, on the contrary, that they exhibit a faithful picture of the actual condition of the Settlers at the periods to which they

relate ; and, moreover, that from the latest inquiries, this Committee has every reason to believe that a considerable portion of the sufferings and privations of many among the most respectable families of the Settlers, through motives of delicacy and honest pride in the individual, has never been disclosed to the eye of the Public."

*Receipts and Expenditure of the Government Subscription Fund
for the Relief of Distressed Settlers.*

The author of " Authentic Copies of a Correspondence," &c., in order to meet Dr. Philip's assertion respecting the unappropriated funds of the Government Subscription, having produced in his Appendix what he terms " a Precise Statement of the Receipts and Expenditure of that Fund, that the Public may judge for themselves ;" it becomes expedient to put the public in possession of some additional documents, to enable them to form a just estimate of the accuracy of that " Precise Statement." It seems unnecessary to make any other comment on these documents, farther than simply to state the fact, that up to the date of the latest letters from Albany (January 1825,) Captain Campbell had received no reply from the Colonial Government to either of the following letters to Mr. Brink.

" GRAHAM'S TOWN, November 8, 1824.

" SIR,—In a pamphlet lately published at Cape Town, in consequence of some observations made at the General Annual Meeting of the Society for the Relief of Distressed Settlers, I perceive a statement, under your signature, of the disbursements of the Charitable Fund established under the patronage of His Excellency the Governor, and entrusted for distribution to the authorities here.

" It is not only as a Subscriber to that Fund that I feel desirous of calling your attention to particular parts of the account, but I feel it especially incumbent on me to do so, as His Excellency has expressed his deep regret, that one of the persons who spoke at the Meeting withheld from his knowledge at the time an instance of the negligence of the local authorities, which so greatly involved the character of his Government.

“ In the statement to which I have alluded are the following items :

To cash paid Mrs. Armstrong	. . . . .	<i>Rds.</i> 5
„ „ Mr. Bowker for Mrs. Harden	. . . . .	50
„ „ „ for distressed Settlers in his neighbour-		
hood	. . . . .	100
Cash paid to T. P. Adams	. . . . .	50
„ J. Walker	. . . . .	50

“ The persons against whose names these sums are placed, declare they never received them.

“ When Mr. Rivers was informed of the observations that were made at the Annual Meeting of the Society, he wrote to Mr. Bowker to know if he had not given Mrs. Harden Rds. 50 from the Fund. Mr. Bowker replied (in a letter which has not been published with the other correspondence,) that he had never given her any such sum ; and reminded the Landdrost that he (Mr. B.) had applied to him for assistance for Mrs. Harden when she was in distress, and that his letter remained unanswered, and his application unattended to. What is perhaps worthy of remark in this case is, that notwithstanding this positive contradiction on the part of Mr. Bowker, his name was inserted in the account as having received the sum for Mrs. Harden’s use.

“ Without adverting to other alleged inaccuracies, I may observe that a sum of Rds. 2704 (for one-half of which only there is a voucher,) appears to have been expended for the ‘ use ’ of the Lying-in Hospital, and there does not appear to be any of the stores or necessities left on hand, although only *twenty-two* women are stated to have obtained assistance from the Fund ; and it is to be noticed that this large sum is exclusive of medicine, which amounts to more than Rds. 800.

“ Under these circumstances, I am confident you will pardon me for drawing your attention to the subject, and for suggesting the expediency of exhibiting a more detailed and a more accurate account, accompanied by the necessary vouchers, a proceeding which I conceive to be due to the Subscribers, to His Excellency the Governor, and to the authority under which the charity was disposed of. I have &c.

(Signed) “ DUN. CAMPBELL.”

“ P. G. Brink, Esq., Acting Colonial Secretary, &c., &c.

“GRAHAM’S TOWN, November 16, 1824.

“SIR,—When I did myself the honour of addressing you last post on the subject of the Fund for the Relief of Distressed Settlers, I had been able to procure a hasty glance only of the Pamphlet alluded to ; since then, I have been able to peruse it at leisure, and perceive that the amount of the articles which have reached the frontier is Rds. 1352, and that duplicates of the same articles (which make up the sum of Rds. 2,704,) are prepared for distribution.

“I take the liberty of repeating the desire I expressed of seeing vouchers for the articles prepared, and a more detailed account of those distributed, as every day makes the inaccuracy of the account rendered more manifest, and the names of other persons (besides those enumerated in my last) have been handed to me, who deny the receipt of money and articles which are stated to have been given to them.

“I have inserted on the other side a list of a few of the articles sent for distribution, and opposite to them the quantity of each article distributed, according to the account in pp. 39-41 of the Pamphlet. I have no doubt but a satisfactory account could be rendered of the remainder, and it appears desirable for all parties that it should be laid before the Public. I have &c.

(Signed) “DUN. CAMPBELL.

“P. G. Brink, Esq., Acting Colonial Secretary, &c., &c.”

P.S.—“Articles sent for Distribution :—

Lbs.	Issued.
6 Arrow-root	none
50 Sago	5lbs.
6 Oatmeal	none
6 Grits	5lbs.
50 Pearl Barley	none
50 Rice	none
10 Tea	6½lbs.
20 Coffee	none
100 Sugar	23lbs.
<hr/> 298	<hr/> 39½lbs.

“Sunday, 1st October 1824.

“DEAR SIR,—I am exceedingly sorry to learn by your letter which I received yesterday, that there is an error in the state-

ment of the account which has been published. I had not noticed it before, and I am confident you must not for an instant entertain an idea that an unpleasant impression can be made by such a mistake in the mind of the Public or the Settlers, by whom you are too well known to be liable to such an effect. I shall not fail to examine into the circumstances, and I wish I could see you in order to rectify the mistake, in any way which may be most consonant to your wishes. Pray let me know if you have any idea of being in Graham's Town on Wednesday next, as I should in that case make a point of being at home, otherwise I have some *notion* of going to the Kowie. I am &c.

(Signed) "HARRY RIVERS."

The above is a copy (taken from the original) of a letter from Harry Rivers, Esq., to Miles Bowker, Esq., in answer to one sent him by Mr. Bowker, wherein he complained of two sums of money, viz. Rds. 50 for Mrs. Harden, and Rds. 100 for distribution being inserted in the Government Pamphlet as having been given to him, and which he denies ever having received.

THE CAPE TOWN GAZETTE AND AFRICAN ADVERTISER,

22nd January, 1825.

Government Advertisement.

His Excellency the Governor has been pleased to appoint V. A. Schönberg, Esq., to be Sequestrator, *vice* R. J. van der Riet, Esq., who retires, after an honourable service of upwards of 49 years.

Harry Rivers, Esq., to be Landdrost of Swellendam, *vice* V. A. Schönberg, Esq.

W. B. Dundas, Esq., to be Landdrost of Albany, *vice* Harry Rivers, Esq.

Cape of Good Hope, 21st January, 1825.

By His Excellency's command. In the absence of the Secretary to Government on Public Duty.

(Signed) P. G. BRINK,
Assistant Secretary to Government.

APPENDIX.

On the arrival of the first part of the British Settlers on the shores of South Africa, a very considerable degree of interest was felt by their countrymen already fixed in this quarter of the globe. Most of those who had visited the place destined to be the scene of their future exertions foresaw difficulties in the way of their success which, at first, were little apprehended by the Settlers themselves ; and others who knew nothing of the soil or climate of Albany, sympathised with their countrywomen in the hardships and trials they would unavoidably have to encounter before they could arrive at their destined place of location.

It was under this impression, and I believe at the suggestion of Captain Moresby, of His Majesty's ship *Menai*, Henry Ellis, Esq., Sir Jahleel Brenton, Bart., and Mr. Shawl, the Purser of the *Menai*, that a subscription was set on foot, the avowed object of which was to furnish the wives and children of the Settlers with such necessaries as they might need on their landing at Algoa Bay, where little preparation had been made for their reception, and in fact few comforts of any kind were to be obtained ; a sum amounting to about 7000 Rds. was thus humanely raised by the exertions of the gentlemen above mentioned, in conjunction with a few others, His Excellency Sir R. Donkin, the Acting Governor, subscribing liberally himself, and shewing every disposition to forward the object in view, a Committee consisting of the most respectable individuals in Cape Town was soon after formed ; and it being found that there were amongst the Settlers many aged and infirm persons, and others, whose health prevented their enduring the hardships to which they were exposed, the plan of the Society, originally embracing only the females and infants, was extended ; and such aid as the funds admitted was administered indifferently to all persons requiring it. This general application of relief soon however exhausted the money subscribed in the first instance, and the claims rather increasing than diminishing, it was thought advisable to make a fresh call upon the liberality of the public.

Several of the gentlemen who had assisted both in the collection and distribution of the money given, having left the

Colony, a new Committee was formed, by the addition of other members to those originally elected. A Secretary was appointed to transact the business of the Society, at a salary of 50 Rds. per month, and monthly meetings of the Committee were held in Cape Town, for attending to the applications made for relief, and affording it, when proper, either in money or clothing. This Society was denominated the "Settlers' Fund," and continued its operations with much benefit to the distressed class of the English Settlers. At the expiration of twelve months, the Committee thought themselves engaged to lay before the Subscribers some account of their proceedings, the amount of expenditure, and present state of the funds in their hands ; and, as is usual on such occasions, to resign their duties to such other persons as might be willing to discharge them. It was therefore proposed that an Anniversary Meeting should be held, and as the rust had recommenced its fatal ravages in the crops, and the prospects of the Settlers appeared unfavourable, it was resolved to appeal again to the charitable feelings of the inhabitants and visitors in Cape Town, for means to enable the Society to continue its exertions.

Sir R. Donkin resigned the Government in December 1821, and His Excellency Lord Charles H. Somerset re-assumed the administration previous to any determination respecting the Anniversary Meeting. The Committee thought it a mark of respect due to His Excellency to make him acquainted with the formation and intentions of the Society, and to request that he would be pleased to afford it his patronage and support. Mr. Dunn having left the Cape, Mr. Rutherford, at the desire of some of the Members of the Committee, consented to act as Honorary Secretary, and was now instructed by the Committee to transmit to His Excellency a Prospectus of the Society, an Account of Receipts and Disbursements since its commencement, and other Documents necessary to enable His Excellency to judge of the views and purposes for which the Society was instituted. At a Meeting of the Committee of the Society held on the 15th May, 1822, Resolutions were passed relative to this subject, and enclosed with the papers already mentioned in a letter to His Excellency a few days after. (*Vide* Letter, No. I and Resolutions, No. II accompanying.)

To this letter His Excellency did not send any answer, nor

even acknowledge the receipt, but in the ensuing week the Proclamation, No. III appeared in the papers.

Repeated inquiries were made by different Members of the Committee, respecting His Excellency's intentions as to the Society ; and after waiting some weeks in the hope of receiving some communication from His Excellency on the subject, the Committee were given to understand, by an official gentleman who had offered to ascertain the Governor's sentiments on this point, that His Excellency disapproved of any public meeting, and would not take the chair.

In this stage of the affair, the demi-official notice and proposal for a new Subscription (*vide* No. IV) appeared in the Cape Paper, in which the distress of the Settlers is admitted, though no allusion whatever is made to any assistance that had been afforded them, nor indeed to the existence of any Society formed for their relief. The subscription thus set on foot met with but little encouragement, notwithstanding the liberal sum presented by His Excellency ; and as little was known of the application of the funds, till a recent discovery, that nearly one-half of the amount still remained in the bank two years after it had been raised, drew forth an account from the Landdrost of Albany, of the way in which the rest had been expended, which may be seen in the pamphlet entitled "Authentic Copies of a Correspondence, &c."

The Committee were thus placed in a very unpleasant dilemma ; the distress of the Settlers, now at its height, called for immediate and increased assistance ; the period for which they had been elected had expired, and they could neither continue their exertions nor resign their office, except by calling a meeting of the Subscribers and giving an account of the way in which they had fulfilled their trust. It was at length determined to request Sir John Truter, the Chief Justice, to become President to the Society, and to afford it his countenance and support, by filling the chair at the proposed meeting of the Subscribers : to this, Sir John very readily acceded : an advertisement was then drawn up, and sent to the Printing Office for insertion in the Cape Paper. (*Vide* Advertisement, No. V.) This advertisement not appearing on the following week, inquiry was made into the cause of the delay, and the answer thereto was, that it could not appear without His Excellency's

sanction. Nearly a month elapsed in expectation of this being obtained, but the Committee finding still that difficulties were opposed to its insertion, the Chairman was requested to address His Excellency on the subject, and to solicit His Excellency's permission to the publication of the notice. (*Vide* Chairman's Letter, No. VI.) To this letter the reply, No. VII, was sent, and a meeting of the Subscribers took place shortly after at the Commercial Exchange, the use of which had been handsomely offered by the mercantile gentlemen for the purpose.

On the arrival of His Majesty's Commissioners, the books and papers of the Society were called for by them, and returned soon after with a subscription of 100 Rds. from each of these gentlemen, and on the day of the second Anniversary Meeting, and some time after the Commissioners had subscribed, His Excellency sent a donation of 200 Rds.

No. I.

Copy of a Letter to His Excellency the Governor, 20th May, 1822, and to which no reply was ever given.

MY LORD,—By desire of the Committee of the Settlers' Fund, I have the honour to enclose for your Excellency's inspection the Prospectus of a Society established under the auspices of the Colonial Government during Your Excellency's absence from this Colony, the object of which was to afford relief to the widows and children of distressed Settlers. I am also desirous to convey to Your Excellency an account of the sums received, and the way in which such sums have been applied by the Committee since the formation of the Society, together with a resolution passed at a special meeting of the Committee held on the 15th instant, for the purpose of considering the best means of affording more effectual relief as it regards the cases of distress now before them; and I am directed to add, that any further information respecting the Society will be willingly communicated to Your Excellency by any of the gentlemen present at the meeting. I have &c.

(Signed) H. E. RUTHERFOORD,
Secretary.

His Excellency Lord Charles Henry Somerset.

(Enclosure No. 1.]

Original Prospectus of the Society for the Relief of Distressed Settlers enclosed in the Secretary's Letter to His Excellency.

It is proposed to set on foot a subscription, to provide for the comfort and necessities of the women and children of the Emigrant Settlers, who may arrive at this Colony for the purpose of locating in Albany or any part of the Frontier District, whom unforeseen circumstances may place in a state of absolute and alarming distress.

This philanthropic feeling seems so universally to prevail, that little doubt is entertained of raising a permanent Fund, which at all times shall be open to the donations of the charitably disposed ; and it is further proposed to solicit the Landdrost of the Frontier District to undertake the distribution of the assistance provided.

It is intended to provide a quantity of children's clothing, and to erect, at Algoa, places of shelter for the infants and their mothers who are incapable of following the march of the more healthy Settlers ; there to provide them with food, to regulate their conduct, and assist them with medical aid : and, finally, when the season will admit, to forward them to their parents, who, it is expected, by that time will have erected a hut for their reception.

They will then have before them the cheerful prospect of a fine season, in which, by industry, they can provide for their future maintenance.

So soon as this appeal to the public feeling shall be generally known, proper notice will be given to the Subscribers of the specific plan adopted for carrying their intentions into execution.

Those persons who intend to subscribe, are requested to pay the amount into the Bank on the " Account of the Subscription for Distressed and Helpless Emigrants."

Committee of Superintendence.

Sir Jahleel Brenton, Bart
and K.C.B.

R. Crozier, Esq.
W. Bentinck, Esq.

Colonel Bird	Major Dixon
Colonel Monckton	Dr. Hussey
Captain Moresby, C.B.	Dr. Duke
Mr. Ellis	— Nisbet, Esq.
Mr. Wilkinson	Dr. Philip
Mr. Stoll	Rev. Mr. Dennis
Mr. Dashwood	Mr. Rowles
— Master, Esq.	Mr. Merrington
— Pontardent, Esq.	Lieutenant Peddar
Sir J. A. Truter, Knt.	— Donnithorne, Esq.
D. Denysen, Esq.	Mr. Hawkins
John Marshall, Esq.	Mr. Leibbrandt.
J. G. Brink, Esq.	

No. II.

At a Special Meeting of the Committee held this 15th day of May, 1822, at Kloof Street.

Present.

Rev. Geo. Hough in the Chair.

Rev. Wm. Wright	Mr. J. W. Stoll
Rev. J. Philip	W. Money, Esq.
Major Holloway	R. M. Eaton, Esq.
Lieutenant Molesworth	

Resolved, That in consequence of the numerous claims made upon the Society, some of which appear to be of a very urgent and distressing nature requiring Relief which, from their limited means, the Committee are unable to afford :

That a representation of the object of the Society be laid before His Excellency the Governor, that His Excellency's patronage and assistance be humbly solicited to prosecute the endeavours of the Committee to fulfil the intentions of the Society ; and that the Secretary, on behalf of the Committee, be directed to present His Excellency with a statement of the Funds of the Society, and respectfully to request that His Excellency will condescend to take the Chair at the ensuing General Meeting of the Subscribers, to be held at such time and in such place as His Excellency may think proper.

No. III.

Proclamation of the 24th May 1822.

No. IV.

CAPE TOWN GAZETTE, 22nd June, 1822.

The failure of the crops in Albany for two successive years having occasioned great and general distress amongst the Settlers there, in conjunction with other obvious inconveniences attending an emigration to a country thinly inhabited, it is proposed to raise a subscription for the purpose of supplying such articles of necessity and comfort as may be deemed requisite for the Lying-in-Women, the Sick, and those in evident want, to enter into a detail of whose particular cases would be invidious, wounding to the feelings of many individuals who have seen better days, and might throw a doubt upon the generosity of those in more happy circumstances. It is therefore conceived, that the most eligible mode of conveying the proposed relief would be by the appointment of a District Committee, to consist of the Landdrost, the Clergyman of Graham's Town, and one of the Heemraden of Albany, whose residence and local knowledge would enable them to investigate at the moment the merits of every case that might present itself for aid. Should such a measure as the above be adopted, His Excellency the Governor has intimated, that as far as the exigencies of the service will admit of, every facility shall be furnished for the conveyance of supplies from Cape Town to Algoa Bay, by Government Vessels.

Subscriptions will be received at the Bank, and the Subscribers' names will be published weekly.

SUBSCRIBERS.

	<i>Rds.</i>
His Excellency Lord C. H. Somerset	500
Lady C. Somerset	100
Lieutenant-Colonel Bird.	100

No. V.

Copy of Advertisement sent for insertion in the Cape Paper, and refused.

A Meeting of the Subscribers to the Settlers' Fund will take place at the Commercial Exchange, at 12 o'clock, on Wednesday the 10th instant, for the purpose of receiving the Report on the proceedings of the present Committee, electing a new one, and taking into consideration the present state of the Funds of the Society.

(Signed) H. E. RUTHERFOORD, Secretary.

No. VI.

Copy of Mr. Donnithorne's Letter.

CAPE TOWN, Aug., 1822.

MY LORD,—The accompanying Copy of an Advertisement having been forwarded to the Printing Office for the purpose of being inserted in the *Gazette* of the 6th July, and some objection having been made to the Committee to its appearing, previously to the sanction of Your Excellency being obtained, we take the liberty of addressing Your Lordship on the subject, trusting, that as the motive for calling a Meeting of the Subscribers to the Settlers' Fund is entirely a benevolent one, Your Lordship's permission will be immediately granted. We beg leave to assure Your Lordship, that had we conceived the proposed Advertisement as coming under the Proclamation of the 24th May last, we should, without hesitation, have made the requisite application; but considering, as we did, the object of the Meeting to be confined to a charitable purpose, without the most distant reference to the discussion of public measures, or political subjects, the draft of the Advertisement was sent to the press without the slightest anticipation of any disappointment. We have &c.

(Signed) J. DONNITHORNE,
Chairman of the Committee.

To the Right Hon. Lord C. Somerset,
Governor of the Cape of Good Hope, &c., &c.

No. VII.

COLONIAL OFFICE, 9th August, 1822.

SIR,—In reply to the letter which you addressed yesterday to His Excellency the Governor, enclosing a Copy of an Advertisement, calling a General Meeting of the Subscribers to the Settlers' Fund, the insertion of which had been objected to at the Printing Office, in consequence of the proposed meeting without His Excellency's sanction, coming under the description of assembly alluded to in the Proclamation of the 24th May last, I am directed to acquaint you, that His Excellency considers the objection of the printing department to have been properly made; but His Excellency has no wish to withhold his sanction from the proposed Meeting, *under the guarantee you have given*, as Chairman of the Committee.

I have, &c.

(Signed) C. BIRD.

To J. Donnithorne, Esq.

[Original.]*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE TOWN, 24th July 1825.

MY LORD,—We have the honor to acknowledge the receipt of your Lordship's despatch dated 20th April last enclosing a proposal from several gentlemen who are desirous of entering into an association for the purpose of employing capital and labour in commercial and agricultural undertakings in South Africa, and we have to express our regret that the pressure of occupation occasioned by preparing our replies to the other subjects of Inquiry with which we were charged has prevented us from submitting to your Lordship by the same opportunity that conveys them our answers to the inquiries with which your Lordship was desirous of being furnished for the satisfaction of the gentlemen whose views have been directed towards this Colony.

We beg leave to assure your Lordship that we shall lose no

time in preparing for immediate transmission the materials that we have been able to collect, and we hope that an opportunity of doing so will occur in a few days by the departure of a vessel that is now under despatch for England.

We are not able to do more at present than to hold out an expectation that the views entertained by the Society may be carried into effect by affording time for maturing measures by which the purchase of land in several desirable situations may be effected on favourable terms, and also by the prudent selection of such intermediate tracts as remain yet ungranted within the Colony.

But the only situation that we think would correspond in point of extent with the liberal views that are entertained is one in which the agricultural promoters of the scheme must necessarily be brought into an immediate contact with the Caffres, accompanied at the same time with the exclusive privilege for a certain period of carrying on trade with that and the other Tribes, an intercourse that we think may be established upon principles that would render it equally beneficial to both parties and conducive to the public interests.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25th July 1825.

MY LORD,—I have the honor to transmit to Your Lordship copy of a Memorial which has been addressed to me by the Principal Persons in this Colony connected with the Wine Trade, together with the Reply which I ordered to be given to that Memorial.

In regard to the relief which the Petitioners propose should be afforded to them by the reduction of the duties levied in the Wine Taster's Office and in the Wharfmaster's Department in this Colony, as well as for a drawback of the Market

dues upon Wines bonâ fide exported, I should be happy to meet the wishes of the Petitioners, but Your Lordship is aware that in the present state of our Finances, and the daily decreasing Revenue, we cannot afford to make any reductions in the Duties of this Colony, except under the most imperative circumstances.

The Duties at present levied, under the several Heads alluded to are as follows :—

	<i>Rds. shs.</i>
Wine Taster's Office for each Leager of 152 gallons.	2 2
Wharfmaster's Office per Pipe of 110 gallons 1 <i>Rd.</i> or per	
Leager about	1 3
Market Dues for each Leager	3 0
„ for Burgher Senate in aid of the Market Estab-	
lishment	1 0
For gauging every Leager or every cask of whatsoever descrip-	
tion. N.B.—The amount of this Fund goes to the Public	
Library	1 0
	<hr/>
	<i>Rds. 8 5</i>

or about Thirteen Shillings per Leager or One penny per Gallon.

The quantity of Wine exported last year amounted to Seven thousand Nine hundred and forty-eight Leagers and a half.

Should Your Lordship deem it expedient to take off these Duties and to add a corresponding addition to the Import Duties on such Articles as are not used for Agricultural purposes, or for other necessary Improvements in the Colony, an arrangement of this nature might be effected. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

To His Excellency the Right Honorable LORD CHARLES HENRY SOMERSET.

CAPE TOWN, 2nd June 1825.

MY LORD,—We the Undersigned beg to address your Excellency claiming your powerful Protection for the growth and Exportation of Cape Wine, an Act of Parliament having reduced the duties on all Foreign Wines nearly Fifty per cent.

acting on Cape Wine as an additional Tax to the full extent those duties are remitted.

We submit to your Excellency whether, if under former regulations Cape Wine barely paid the Exporters or obtained a Sale in the English Market, it be possible to Trade in it to any advantage clogged as it is by the operation of the above Act.

We need not remind your Excellency the great proportion Cape Wine bears to the totality of our Exports or the numerous and respectable class of Farmers living entirely by the production of the Grape, who can ill afford to sell their Wine even at the price of the last Vintage.

We do not presume to point out to your Excellency how relief may be best afforded, but beg to suggest for your consideration, whether a reduction of the duties paid into the Wine Tasters and Wharfmasters Departments, also a drawback of the Market dues upon Wine bona fide exported would not tend to relieve the pressure on the Trade.

We beg further to state that the Colonial duty on Foreign Brandies not only bears heavily upon wines, but also materially deteriorates the quality, in as much as the Merchant to avoid a part of the above Tax uses a less quantity than is necessary to give the Wine that Character so much to be desired.

In the earnest hope that your Excellency will take this statement into your early and serious consideration,

We have the Honor to be &c.

(Signed)

W. HAWKINS, Agent for
Affairs H.E.I. Company.

JOHN COLLISON & Co.

HAMILTON ROSS

A. McDONALD

W. LIESCHING

J. MANUEL

HUDSON & DIXON

NISBET & DICKSON

A. CHIAPPINI & Co.

J. R. THOMSON

P. WOUTERSEN

M. C. Vos

D. J. DE VILLIERS

F. RUSSOUW

HK. DE VOS

N. J. RUSSOUW

JS. J. v. D. MERWE

J. J. CRUYWAGEN

G. C. CRUYWAGEN

Ps. Js. PENTZ

J. F. PENTZ

HENRY NOURSE & Co.

M. A. BERGH

JONES GADNEY & Co.	J. H. WHISTOW
WM. DAWES	W. CORBITT
STEPHEN TWYXCROSS	B. C. BERNING
DAVID STILL	WM. MASKEW
JOHN HAWKINS	J. W. STUCKERIS
H. HORNE & Co.	HK. OD. EKSTEEN
BORRADAILE, THOMPSON & PILLANS	J. L. WAHL
VAN HALL, SAPPÉ & MUN- TINGH	J. G. BLANCKENBERG
S. B. VENNING	ABM. BRINK
EWAN CHRISTIAN	M. C. WOLFF
JOSEPH LEVICK	WM. ROBERTSON
JAMES LOUDON	WM. HAWKINS
ANDS. BRINK Cz.	V. LEEB
P. M. BRINK	A. J. LOUW
P. MARAIS	A. J. STADLER
AKEN & MONTEATH	R. C. HOETS
E. K. GREEN	H. HANCKE
SIMPSON, SANDERSON & Co.	G. W. PRINCE
J. F. BECK	CHAS. MAYNARD
J. ROCKENBACH	F. BALSTON
L. W. C. BECK	WS. TUISSAINT
HERBERT PUGH	W. F. VENABLES
JOHN VAN DEN BERG	Cs. LUDWIG
R. A. ZEEDERBERG	EBDEN & EATON
FRANS MABILLE	JOHN TENNANT
H. E. BLANCKENBERG	R. J. JOHNSON
D. B. KUUHL	F. A. ROUVIÈRE
G. J. VOS	D. J. THEUNISSEN
P. H. KUYPERS	THOS. MERCER
Cs. CRUYWAGEN	JOSEPH BARRY
G. BRINK	H. J. SHEPPARD
	F. J. BECKER.

[Enclosure 2 in the above.]

His Excellency the Governor begs leave to inform the Merchants and Traders in Cape Town, connected with the Wine Trade and who addressed a Memorial to His Excellency under date the 2nd Instant, that since the Receipt of that

Memorial the Public Papers have announced that His Majesty's Government had taken into consideration the Import Duties on Cape Wines, and had been pleased to make a further reduction thereon of Six Pence per gallon for the next Five Years. It will not therefore be necessary for His Excellency to say anything further upon that part of the Memorial than to express His hope that the additional encouragement which has thus been held out to the Wine Trade of this Colony may stimulate all the persons concerned therein to use every possible exertion to improve the quality of their Wines, as upon this alone will depend a continuance of the temporary advantage which has been granted to them.

In regard to that part of the Memorial which relates to the reduction of the Colonial Charges on the export of Cape Wine, His Excellency will take the same into His consideration and communicate with His Majesty's Secretary of State on the subject.

By His Excellency's Command.

(Signed) RICHD. PLASKET, Sec. to Govt.

Colonial Office, 14th June 1825.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25 July 1825.

MY LORD,—On looking into the Accounts of the heavy Expences which have been incurred in this Colony for the repairs of Public Buildings within the last few years, it has appeared to me that the amount has been considerably encreased from the want of a competent Officer to take charge of, and to superintend all such Buildings and the Repairs thereof,—a Person in whom the Government could place perfect confidence, and who would be held responsible for the whole management of this Branch of the Service.

Your Lordship is already aware that since Mr. Melville's quitting his Situation as Inspector of Buildings in the year 1821, Mr. Jones has had the general Charge of overlooking the

Government works going on in Cape Town, but altho' Mr. Jones is a good Builder and may be very useful as an Overseer of Works, He can not be looked upon as a responsible Officer to that extent, to which it appears to me the Importance of the Service demands.

I have therefore taken upon myself, and I do it as a measure of Economy which I am satisfied will fully bear me out in the result, to appoint Captain Hope, on the half Pay of the Royal Artillery, to the Office of Superintendant of Government Buildings, and I have the honor to inclose copy of the Instructions with which He will be furnished as soon as He takes upon Himself the duties of the Office.

Captain Hope has for some time given his gratuitous Services as one of the Heemraden in the Board of Landdrost and Heemraden in Albany, and has also held the Situation of Superintendant of Signal Posts and Telegraphs on the Frontier, receiving the pay and allowances of a Brigade Major out of the Colonial Funds. By his removal from Graham's Town his place will become vacant, and it is not my intention to fill it up, as I do not think it necessary in the present state of tranquillity in the Frontier district.

I have attached a Salary of Two hundred and Sixty Pounds Sterling per annum to Captain Hope's appointment, and it will be necessary to give him a Clerk and Storekeeper at not exceeding One hundred Pounds Sterling per annum.

This arrangement therefore will not be attended with any material Expence to the Colony when compared with the Emoluments of Captain Hope's former appointment.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25 July 1825.

MY LORD,—The Expence of keeping in repair the Road leading from Cape Town to the Naval Arsenal at Simon's

Town having considerably exceeded the Receipts of the Tolls established in such Road (and which are let out annually to the highest Bidder) I have been under the necessity of authorising advances to be made from time to time on account of this Service, amounting during the last three years to Seventeen Thousand Rixdollars.

Having now decided (with a view to economizing if possible the Expenditure of this Branch of the Service) to put the charge of the Road under the controul and management of the Royal Engineer Department, instead of under the Landdrost of the Cape district who has hitherto superintended it, it has become necessary to bring to final account the amount which had been expended beyond what the Toll Fund could defray; I have therefore issued a Warrant for the payment of the same up to the end of the last month, amounting to Twenty one Thousand Five hundred and Eighty Rixdollars, including the sum of Seventeen Thousand Rixdollars advanced from time to time as above mentioned.

And I have to request Your Lordship will be good enough to authorise the Colonial Audit Board to pass this charge.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25 July 1825.

MY LORD,—I have the honor to transmit to your Lordship copy of a letter which Sir Richard Plasket has addressed to me on the subject of His Office.

I was aware, when I promoted the two gentlemen alluded to, that their loss would be for a time severely felt in the Colonial Office, but I did not deem myself justified from that consideration alone to withhold the reward so justly due to their long and meritorious Services.

I therefore can have no hesitation in recommending Sir

Richard Plasket's Proposal to Your Lordship's favorable consideration, and also in requesting some small retirement for the superannuated Messenger of the Colonial Office.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

COLONIAL OFFICE, 20th June 1825.

MY DEAR LORD,—I regret to be under the necessity of stating to your Lordship that from the late changes which have taken place in the Colonial Office I find it quite impossible to get thro' the detail of my Business, and I am convinced that the whole Office will get into confusion unless some new arrangement takes place.

I allude to Mr. Watermeyer, the Accountant, having been removed to the Orphan Chamber, and Mr. Cloete, the first Assistant, having been appointed Wharf Master. The Consequence of these changes has been that the Services of the two most efficient Men remaining in the Office, Mr. Brink Junior and Mr. Tennant, have been taken away from me, the former by holding the Place of Collector of Stamps (in lieu of Mr. Cloete) and which entirely takes up his time, and the latter having got charge of the Accountant's Department, I am therefore left completely to the young Clerks for carrying on the Business.

I am well aware that in making the arrangement which removed these Officers from the Colonial Office Your Lordship felt that their Claims to promotion for long and meritorious Services upon very inadequate Salaries could not be resisted, and that except by such Removal no means of meeting those claims were open to you, but I am convinced that on a representation of the case to Earl Bathurst, his Lordship will not disapprove of the Office being put upon a more efficient and more liberal footing.

The present pay of the first Assistant in the Colonial Office, independent of his Fees as Collector of Stamps, is only £107 a year, and that of the Accountant £86.

I am far from wishing to interfere with any arrangements

which the Commissioners of Inquiry may have in view to propose to His Majesty's Government for the future Salaries of the Public Servants here, and all I would beg leave to suggest to your Lordship would be that Mr. Brink be called upon to resign his situation as Collector of Stamps, in order that he may devote the whole of his time to the duties of the Colonial Office, and that in consequence of the pecuniary Sacrifice which he will thus make that he should receive his Salary at the rate at which it may hereafter be fixed by the Commissioners of Inquiry and approved by Government, from the date of this new arrangement taking place, say, at the beginning of next Month, and that I may be allowed a competent Extra Clerk to bring up the arrears of Business, and to remain during the residence here of the Commissioners of Inquiry (as the Copying of the voluminous Documents required by the Commissioners has got the Office into arrear) with an allowance of £100 per annum.

I would also propose that the Collection of the Stamps be given to one of the Clerks in my Office or in any of the other Offices, and be made a distinct situation, as Constant attendance is required in this charge, and that the Person to whom it may be given be struck off from the Department to which he previously belonged.

I have further to inform your Lordship that one of the Messengers of the Colonial Office has been quite superannuated for some time past, and that he has not been able even to attend at all at the Office for the last three Months. I must therefore request that your Lordship will authorize me to appoint another Messenger in his place, as the Business of the Office requires the Constant attendance of the Messengers attached to it.

Mr. Jonker, the Messenger above alluded to, has been in the Colonial Office Fifteen years, and in the Service of Government Thirty Nine years ; he is now Sixty Two years of age, and I therefore submit to your Lordship's consideration whether you should not state his case to Earl Bathurst, and recommend him some moderate retirement. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

His Excellency the Governor.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25 July 1825.

MY LORD,—I have the honor to acknowledge the Receipt of Your Lordship's Despatch of the 29th April No. 164 transmitting to me a Petition presented to the Lords Commissioners of His Majesty's Treasury by John Milner of London, praying relief on account of the Injury he had sustained by the Judgment awarded against him in an Action instituted at the Suit of the Lessee of the Bird and Chowan Islands; and in obedience to your Lordship's commands have the honor to transmit a full Report of his Case, by which Your Lordship will perceive that on more than one point the Petitioner has withheld the *whole Truth* particularly as regarded the Sentence awarded by the Court of Justice in which the Lessee was entitled to a new Trial, and also relative to the Damages awarded and in the means adopted to ascertain the just amount of those damages, where your Lordship will perceive that the Merchant (Mr. Twycross) who was called to the assistance of the Secretary of the Supreme Court in assessing the Damages, was the very person who had been previously named by the Petitioner's Agent as his Referee, in the event of its having been agreed upon to settle the affair by a reference.

I confidently anticipate that Your Lordship will be entirely satisfied that the strictest justice has been done in this case.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Report in pursuance of the Letter of EARL BATHURST of the 29th April 1825.

Korsten Applicant *versus* Alexander Respondent.

The occupation of the different Islands on the Eastern Coast of this Settlement has long been considered as an object of importance by its Government, as they were situated off a

most dangerous shore, and in the very track of an encreasing Coasting trade, as well to prevent vessels, foreign and English, touching there and carrying on a clandestine Commerce in Slaves and Contraband Articles, as to assist Vessels in distress, but the extreme sterility and total want of water presented difficulties of no small magnitude, and totally excluded the idea of the Government forming one, from the great expense of it. Some applications for grants of these and other Islands had been made by Individuals, but the Government not conceiving it prudent to alienate were refused, till Mr. Korsten an Inhabitant of this Colony of very considerable property and enterprize having large fishing and other establishments at Algoa Bay, applied for a Lease of the Bird and Chowan Islands for a short term, to ascertain if the Seal fishery could be carried on there with any success. A lease was therefore granted for three years on the 27th day of June 1822.

When Mr. Korsten had thus obtained possession of the Islands he made very large Expenses for forming his Establishment, towards the effecting of which it was necessary to carry every article requisite, and even to the building of a Vessel fit for his purposes and was at considerable pains and risk in effecting a landing place ; he continued unmolested in such possession, till the arrival of the Cutter *George the 4th* in the month of December 1823, when the Master Alexander resorted without any permission whatever to those Islands, and occupied the Building erected by Mr. Korsten, and made an unlimited use of his fishing gear and Stores, and leaving a party of ten of his Crew went to Algoa Bay, where he was apprized by the first persons that boarded him of the Lease granted to Korsten, and meeting also with Korsten's Agent, and being expostulated with on his conduct, he contended he had a right to do so, that he did not care for the Lease as it was not in the power of the Governor to grant one ; upon which application was made to the Magistrate at Uitenhage, who wrote to the Master Alexander and directed him to desist from his pursuits, but instead of so doing he endeavoured to enter into a Compromise with the Agent, still retaining his people on the Island, and afterwards proceeded to Table Bay with his Vessel, when Mr. Korsten immediately commenced

proceedings, first applying to the Government for relief, but which could not be afforded him as it involved private Interests, and he was directed to a Court of Law for his remedy.

Mr. Korsten commenced legal proceedings by arresting the Vessel and person of the Master before the Court of Justice, but which arrest was taken off by Sentence of that Court, against which Mr. Korsten entered his Appeal, and the cause came on before that further Tribunal, which entertaining a different Opinion from the Court below reversed the Sentence, and decreed the arrest to have been well and legally laid, and retaining the principal cause, pronounced for damages for the trespass &c., and directed the amount to be assessed by its Secretary and competent persons, and one of the persons chosen by the Secretary for that purpose Mr. Twycross had been applied to, to act as Arbitrator by the Agent of the Master Alexander, upon an attempt that was made to go into Arbitration pending the proceedings. That Gentleman as well as Mr. Murray the other person selected, being respectable Merchants and intimately acquainted with the fisheries at the Cape of Good Hope, and perfectly independent of either party.

The Report of the Secretary and competent persons, after some consideration, was affirmed by the Court and the Sentence was carried into Execution, after due Security had been given by Mr. Korsten, against the whole of which proceedings an appeal has been entered to the King in Council, in which stage the cause at present rests, and full copies of the proceedings have been delivered to each of the parties.

The reasons that influenced the Court of Appeals in its Judgment were : That the Government of this Colony had a right to grant the Lease in question, that the consideration for that Lease did not regard any third party. That the Lessee was in full possession of the Island. That the resorting to those Islands and making use of the property there of Mr. Korsten in the manner done by the Master and Crew of the *George 4th* was clearly a trespass ; that the party had had due notice given not to trespass and that notwithstanding he continued such trespass. That the party had admitted such trespass by offering compensation. That Mr. Korsten had suffered damages in consequence of said trespass and had a

right to refuse the proffered Compensation and have his damage ascertained in a due course of Law.

The retaining the principal cause was an advantage to both parties, by accelerating the proceedings, an object of consequence on account of the arrest and detention of the vessel, as well as to put Mr. Korsten in possession of the Islands that he might resume his Fishery.

It appears that the *George 4th* was only fitted out and despatched on the 27th September 1823 and 15 months subsequent to the date of Mr. Korsten's Lease, and near ten months after Mr. Korsten's Advertisement in the *Cape Gazette* 5th October 1822, therefore with any due precaution and diligence Mr. Milner might have made himself acquainted with the Lease.

As Mr. Milner has alluded to what took place between the Master Alexander and the Agent of Mr. Korsten, Mr. Damant, the whole of Mr. Damant's Affidavit should be referred to, by which it will appear that the Master Alexander endeavoured to deceive him as to what had taken place, and that he expressed no opinion whatever on the offered Compensation as asserted.

Mr. Milner states that on the cause coming on to be heard, the Court released the Vessel and condemned Mr. Korsten in the Costs, and rejected the Claim for damages, neglecting to state the remainder of the Sentence, by which Mr. Korsten was allowed to institute a fresh suit, but which was not done, Mr. Korsten being advised to try an Appeal.

Mr. Milner further incorrectly states to the Lords Commissioners of the Treasury, that by the Sentence of the Court of Appeals the arrest was continued *till the enormous amount of Damages* claimed by Mr. Korsten should be paid, whereas on referring to the Sentence it will appear that the Court reversed the Sentence appealed from, decreed the Arrest to have been duly and legally laid, and to remain in full force and effect, and retaining the principal cause, pronounced a *trespass* to have been committed on the premises of Mr. Korsten by the Master Alexander and his Crew resorting to the Chowan and Bird Islands, and making use of the Buildings belonging to Mr. Korsten, and killing and destroying the Seals on the said Islands, at that time under Lease to Mr. Korsten, and did condemn the said Master Alexander in the amount thereof,

but directed the Parties to proceed before the Secretary of the Court, taking Competent persons to his assistance to assess such damages and report thereon, and not as stated by Mr. Milner till the enormous amount of Damages claimed by Mr. Korsten should be paid.

The Secretary and Competent persons after having had the parties before them, together with such other Evidence as they chose to produce, came to the following conclusion, and reported that the amount of damages should be That the Respondent (Alexander) should deliver up to the Appellant (Korsten) one Thousand two hundred and thirty two Skins, that being the number of Seals that appeared to have been taken, or pay the sum of four Rixdollars for each skin deficient. That the Respondent should deliver to the Appellant the two casks of Oil and pay a further Sum of Eight hundred and twelve Rixdollars for the deficiency of the Oil that ought to have been made, and further a Sum of Four thousand Rixdollars as damages due by the resorting to the Bird and Chowan Islands.

It is unnecessary to follow Mr. Milner thro' his arguments as to the validity of the Lease, as that is in determination before the King in Council, but it may be remarked that the Bird and Chowan Islands are part of the Colony and subject to its Government, and can be as legally leased as any other portion of it.

It is for Mr. Milner to shew that he has a right to fish on the Islands so leased. It is submitted that both by the Dutch and English Laws the right of fishing is in the Owner of the soil, unless specially reserved or granted away. It is ridiculous to suppose that those Barren Rocks sterile and without water, and which fact is admitted by Mr. Milner, should be wanted by Mr. Korsten for cultivation. If Mr. Korsten had exercised the fishery in the same wanton way that the Master of this Vessel has done, the Islands on the arrival of the *George 4th* would not have yielded a single Seal, and which if it was open to the *George the 4th* to do, Mr. Korsten or any other sealing Vessel might have done, and thus this voyage would have been defeated and the value of the Islands destroyed.

On perusal of the accompanying Documents, all these facts will appear, and carry conviction that the complaint of Mr.

Milner is *without foundation*, and if he has suffered any loss it has arisen from his own imprudence and the improper conduct of those he has employed, and that Mr. Korsten is only pursuing his legal remedy, rather than accept what he deemed an insufficient compensation.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 2 in the above.]

In the Court of Appeal for Civil Cases at the Cape of Good Hope.

KORSTEN *versus* ALEXANDER.

To His Excellency General the Right Honorable Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c., &c.

The Report of the Secretary and competent Persons, in pursuance of Your Excellency's order made on the thirty-first day of August last past, Humbly sets forth,

That in pursuance of the order of Your Excellency, your Secretary requested the assistance of Mr. Stephen Twycross of Cape Town Merchant and of Mr. John Murray of the same Place Merchant, Gentlemen engaged in the different Fisheries at the Cape of Good Hope and persons duly qualified to undertake with your Secretary the said reference, and which said Gentlemen having agreed to undertake the same, your Secretary and the aforesaid Merchants in pursuance of your Excellency's order called upon the Appellant to produce his Account and claim of damages.

That he produced the annexed claims and account marked with No. 1. Whereupon the Respondent was directed to reply to the same, but declined doing so in writing, but wished to be allowed to object verbally before the Referees.

Whereupon at a Meeting held on the Twelfth day of November last past, the Respondent being attended by his Advocate Mr. Cloete, and the Appellant by his Advocate Mr. Joubert,

The Respondent stated that he conceived himself to be liable only to actual damage and not fictitious. That he only admits a quantity of Eleven Hundred and Ninety Seals to have been

taken, consequently that according to the valuation of the Appellant the amount thereof would only be Three Thousand Five Hundred and Seventy Rix Dollars. That only two Casks of Oil have been produced containing together about One Hundred and Thirty Gallons, which taken also at the calculation of the Appellant amounts to no more than One Hundred and Thirty Rix Dollars, forming a gross amount of Three Thousand, Seven Hundred Rix Dollars, from which ought to be deducted, according to a proportionate calculation, the expenses. That there ought also to be a further reduction for freight, and which has not been admitted by the Appellant in his account.

To which it was replied by the Appellant that he did not wish for fictitious but actual damages. That it is necessary to look at what has been done before, and not at what the Respondent has done, that he may have mismanaged it, and that by proper management more skins might have been had. That the quantity of Seals admitted to have been taken is derived from a Receipt of the quantity of skins now in the custody of the Authorities at Port Elizabeth taken from Captain Alexander's Agents upon an order of the Court of Circuit, and that therefore it does not at all follow that he has not killed a greater quantity of Seals or that he has not had many more skins, since the touching of the *Orange Grove* and several other Vessels have afforded him ample opportunity of disposing of those skins, as he was in the act of doing with the Eleven Hundred and Ninety Skins when he was stopped. That he must also object that two Casks of Oil are an inadequate quantity for the produce of Eleven Hundred and Ninety Seals. That three Rix dollars is not at present an adequate price, and that he submits the question of freight to your Secretary and Merchants.

Upon which your Secretary and Merchants applied to the Respondent to substantiate his allegations by evidence, which he undertook to do by producing some Men of his Crew, but your Secretary had no power to administer an Oath to them. It was agreed to postpone the Meeting, and to apply to your Excellency for such authority.

That your Secretary having obtained from Your Excellency the authority to administer the Oath, the Respondent produced as a Witness John Smith, who after being duly sworn produced

a paper writing marked with the Letter A, and purporting to be a Journal of the transactions at the Bird and Chowan Islands, and deposed that the same had been kept by himself and in his own handwriting and was kept from day to day, as the occurrences took place. That he first went to the Bird and Chowan Islands on the Sixteenth of December, and on the same day landed the provisions from the Boat, that he believes they began to catch Seals on the Twenty-fifth of December following, that there were Ten persons all included, that they landed sealing Gear, and caught about eleven Hundred Seals in the first fortnight, after which, and during their stay on the Island they caught no more than Forty-two. That they made no more than two Casks of Oil. That they did not make more Oil because they did not catch a sufficient number of Seals at a time. That they were also employed in fishing for the Good of the Vessel, that they dried and pickled the same, that they dried and pickled about nine tons. That they were also employed in carrying Wood for their own burning. That they also collected shells for Lime to throw in the Water to catch the Mullet. That not any Skins were sent from the Island while he was there. That he does not know what had been done with the Skins or Fish. That he left the Islands on the Twentieth of May and went in the *Saucy Jack* to Algoa Bay. That the latter part of the Journal was kept on board the *Locust*. That all hands left the Island on the twenty-fourth day of May. That the Skins, Oil and Fish were left behind. That they made use of the Buildings on the Island after having repaired the same, that afterwards they built a House for themselves. That they made use of Mr. Korsten's tripods once. That they made use of Mr. Korsten's Boat once after they had lost their own for preserving the people. That the Fish was packed in Pork Barrels and Kilderkins, and some were dried and heaped up; that there were about eleven Casks. That they could not catch any more Seals, that they threw the Carcases into the Sea nearest the place where they were killed. That he has made a mistake in what he has before stated in saying that he left the Island in May, he should have said June. That not any of the stores or Provisions belonging to Mr. Korsten were made use of. That he shares in the profits of the Voyage. That one Man employed came from Algoa Bay,

but he made one of the Ten. That two men left them in the period, on or about the twelfth of February. That they made a few Caps from the Seal Skins. That they carried the Caps made on Board no other Vessel than the *Locust*. That he will undertake positively to Swear that no more than One Thousand and Fifty-six Seals were killed before the ninth of January. That they made use of some of the water belonging to Mr. Korsten.

That the Respondent further produced Charles Kendal, who having been duly sworn deposed : That he belonged to the *George the Fourth*. That he was on the Bird and Chowan Islands, having been first at St. Croix. That he went to the Bird Islands about the Twentieth of December last. That they caught about Eleven Hundred Seals. That they caught all they could. That they made only two Casks of Oil, holding Fifty-Six Gallons each. That oil was not the thing they looked after much. That they also fished, but did little good, cannot state the quantity caught. That when the seals were killed they were carried and thrown in the Sea in the nearest place to where they were so killed. That they made use of Mr. Korsten's Buildings, but they were much out of repair, that they repaired the same, that they made use of Mr. Korsten's Tripods for part of two days at the beginning for the two first knockdowns. That he is to share in the net proceeds of the voyage. That the two first knockdowns were One Hundred each or thereabouts. That they left their own Tripods at St. Croix, not intending to get oil at the Bird Islands. That this is his first voyage. That to his knowledge no damage has been done to Mr. Korsten's property on the Island. That they made use of Mr. Korsten's Boat to save lives, and once to go over to the other Island to look after their own Boat. That the parties not wishing to state anything further, nor having any further Evidence to adduce, closed the reference.

That your Secretary and Merchants having duly considered everything that has been alledged, have come to the following conclusions, and find the amount of damages as follows :

That the Respondent ought to deliver up to the Appellant One Thousand Two Hundred and Thirty-two Skins, that being the number of Seals that appears to have been taken, or pay

to the Appellant the Sum of Four Rix Dollars for each Skin deficient.

That the Respondent ought also to deliver to the Appellant the two Casks of Oil, and also pay him the sum of Eight Hundred and Twelve Rixdollars for the deficiency of the Oil that ought to have been made.

And that the Respondent ought also to pay to the Appellant the Sum of Four Thousand Rix Dollars as in and for the Damage done by his, and his People's resorting to the Bird and Chowan Islands.

All which is humbly reported and submitted to your Excellency.

Cape Town, 27th Nov. 1824

(Signed) THOS. ROWLES,
STEPHEN TWYCROSS,
JNO. MURRAY.

A.

To His Excellency the Governor, &c.

The Memorial of Frederik Korsten Sheweth!

That your Memorialist some years since at a considerable Expense established a Whale Fishery at Algoa Bay, which has afforded employment to a great number of persons during the whaling Season, and the produce has formed no unimportant part in Exports of this Colony.

That such persons being drawn from different parts for the Season only, Memorialist desirous of giving them further encouragement by furnishing them with employment for the rest of the year, made trial of a Seal Fishery at the Chowan and Bird Islands, which are barren Rocks lying off the Mouth of the Bosjesman's River in Lat. about 33° 44' South and Long. from 26° 56' to 27° 5' East, distant about 40 Miles from the Landing place at Algoa Bay according to Arrowsmith's large Map of the Colony.

That from the result of this Trial and previous observation, Memorialist is confident that such Fishery may be made a perpetual source of encreasing the exports of the Colony, provided said Islands are granted to him or any other person or

persons engaged in fishing at Algoa Bay, whose Interest it would clearly be to visit the Islands only at the proper Season, and take every precaution to avoid scaring away the Seals, but if they remain as at present, any whaling or Sealing Vessels, either British or Foreign, may land part of their Crew, who having only an immediate object in view may render them useless for years afterwards, by an indiscriminate or careless destruction of the Seals, as had already happened at the Saint Croix Island.

That the establishment of said Fishery would not only give employment to many Fishers who are deserving of every encouragement, but by being employed in Boats and small coasters between the Island and the usual anchorage, they would become intimately acquainted with the whole of Algoa Bay, and thus be enabled in cases of peril to render great assistance to vessels trading there, or laying at Anchor off said Island, and which Memorialist is willing to bind himself to do in every respect so far as is practicable, the importance of which under existing circumstances will be fully appreciated by your Excellency. That for the effectual carrying on such Fishery it will be necessary to erect Buildings and employ Boats of a peculiar description, and in which Memorialist will readily incur an Expence in proportion to the duration of his Interest in said Islands.

Memorialist, therefore, prays that your Excellency will be pleased to grant him the said Islands on Lease for such term of years and under such Regulations and subject to such rent as to Your Excellency may seem meet.

And Memorialist &c. &c.

(Signed) F. KORSTEN.

14th June 1822.

B.

COLONIAL OFFICE, 27th June 1822.

SIR,—I am directed by His Excellency the Governor to transmit to you the enclosed copy of a Memorial from Mr. F. Korsten praying for a grant or Lease of the Chowan and Bird Islands for such term of years and under such regulations and subject to such rent as to His Excellency may seem meet, and His Excellency desires that you may be pleased to issue to Mr.

Korsten a Lease of the above Islands for three years at One Hundred Rixdollars per annum, under the Stipulation of assisting such vessels as may come to anchor at the Bird Island. I have &c.

(Signed) C. BIRD.

P. S. Buissonne Esqre., Receiver of Land Revenue.

C.

Extract of the conditions upon which His Excellency the Governor has been pleased by Official Letter of the 27th June 1822, to let to Mr. Frederik Korsten for the term of three successive years the Birds and Chowan Islands lying at the mouth of the Bosjesman's River, District Uitenhage.

These Islands will be let from the 27th June 1822, and the Lease to terminate on the 27th June 1825 on the following conditions :

1st. The tenant shall pay an annual Rent of One Hundred Rixdollars at the Land Revenue Office, at the expiration of each year, and in case of non-payment the arrears will be levied on him according to Law.

2nd. The tenant shall be obliged to render assistance in every respect to all vessels laying at Anchor off or at the aforesaid Islands.

On the above conditions I declare to have rented from Government for the above-mentioned time and Sum of One Hundred Rixdollars per annum the Chowan and Bird Islands, which rent is annually to be paid at the Office of the Receiver of Land Revenue.

Thus Done and let, at the Office of Land Revenue, Cape of Good Hope, this 28th June 1822.

(Signed) F. KORSTEN.

E.

Extract out of the Cape *Gazette* of the 5th of October 1822.

Notice.—The Proprietors of Korsten's Whale Fishery at Algoa Bay warn all Persons not to trespass upon their grounds at said Fishery or the Bird Islands laying at Bushman's River

(granted to them on Lease by Government) on pain of being prosecuted to the utmost rigour of the Law.

F.

Be it hereby made known, That on this the Seventeenth day of January, One thousand Eight hundred and Twenty-four, Before me John Samuel Merrington of Cape Town Cape of Good Hope Notary Public duly admitted and sworn, Personally came and appeared Archibald Sinclair of Cape Town Master Mariner, who at the instance and request of the Advocate J. A. Joubert as acting for Frederik Korsten Lessee of the Birds and Chowan Islands lying off the Mouth of the Bosjesman's River in the District of Uitenhage in this Settlement, did declare testify and say for truth :

That on the Twenty-Seventh day of April last he the Appearer proceeded with the schooner *Albatross* whereof he was then Master to the said Islands for the purpose of bringing away the people belonging to the Seal Fishery established there by the said Korsten, together with the oil, skins and Fish which had been taken during the Season which had then ended.

That previous to leaving said Islands he according to the directions he had received from the Agent of said Korsten affixed a copy of the lease under which the said Islands are held by said Korsten to an inner door of one of the Buildings belonging to the said Fishery, by Paste and Nails, and left the same there affixed, and also enclosed another copy of said Lease in a Bottle which he suspended immediately within the outer doorway which was left open, and that on quitting said Islands he left behind a Boat and Oars, a quantity of Water Casks, some Iron trying pots fixed and other apparatus necessary for carrying on a Seal Fishery.

And he further saith, That he was previously informed that it was not the intention of the said Korsten to recommence the said Fishery during the present Season, in order that the Seals might be allowed to breed without disturbance.

All which he declared to be ready to verify on Solemn Oath when required.

Thus Done and Declared at Cape Town the day and year aforesaid in the presence of Siewert Frederik Rorich and

Charles Alexander William Rocher who with the Appearer and me the Notary have subscribed the Minute hereof which is now remaining in my Protocol on a Stamp of 48 Stivers. Quod Attestor.

(Signed) JNO. SAML. MERRINGTON.

On this day the 13th March 1824 the Advocates Messrs. H. Cloete and J. A. Joubert declared to desist from the Revision of the aforesaid Declaration and to have no objection that the same may be considered as having been revised and sworn to. Quod Attestor.

J. T. JURGENS.

G.

Be it hereby made known, That on this the seventeenth day of January, One thousand Eight Hundred and Twenty-four, Before me John Samuel Merrington of Cape Town Cape of Good Hope Notary Public, duly admitted and Sworn, personally came and appeared John Kirkup, Carpenter in the employ of Frederik Korsten Esqre., Lessee of the Birds and Chowan Islands, who at the instance and request of the Advocate J. A. Joubert as acting for the said Korsten did declare, testify and say for truth,

That in the latter end of the Month of April last he the Appearer proceeded to the said Islands on board the schooner *Albatross* whereof Archibald Sinclair was Master for the purpose of assisting in navigating said vessel and bringing away the people who were employed in the Seal and Small Fishery on said Islands together with the oil, Skins, and Fish which had been procured during the Sealing season which had then ended. That before leaving said Islands he was present when the said Sinclair nailed a copy of the Lease under which said Korsten rents the said Islands from the Government of this Colony to the outside of the door of an inner apartment of one of the Buildings on said Islands and also when he enclosed another copy of said Lease in a Bottle which was suspended almost immediately within the outer doorway of the said Buildings, and that he the Appearer verily and in his conscience believes that any person landing upon said Islands must have seen the said Bottle and the copy therein and the copy so nailed on the door as aforesaid.

And the Appearer further declared that when the said Schooner left said Islands the following articles were left thereon, to wit :

Four large Iron Pots fixed, one small Iron pitch Kettle, half a cask of Pitch, a Whale Boat, Six Boat Oars, one Steering Oar, one anchor, Four hundred fathoms Rope, fifteen bearing Boards, a Grindstone, a lot of loose staves and Iron hoops, a lot of Seal clubs, a quantity of Salt and between twenty and thirty Water Hogsheads, together with Buildings proper for carrying on a Seal Fishery.

And he further declared that he has been frequently informed and believes that it was not the intention of said Korsten to Seal on the said Islands during the present Season, but to leave the Seals to breed undisturbed.

All which he declared to be ready to verify on Solemn Oath when required.

Thus Done and Declared at Cape Town the day and year aforesaid in the presence of Siewert Frederik Rorich and Charles Alexander William Rocher, who with the Appearer and me the Notary have subscribed the Minute hereof which is now remaining in my Protocol on a Stamp of 48 Stivers.

Quod Attestor,

JNO. SAMUEL MERRINGTON, Notary Public.

On this day the 13th March 1824 the Advocates Messrs. F. C. Cloete and J. A. Joubert declared in the presence of the Sitting Commissioner from the Worshipful the Court of Justice to desist from the Revision of the aforesaid Declaration and to have no objection that the same be considered as having been revised and sworn to. Quod attestor.

(Signed) J. T. JURGENS.

H.

William Barclay and Stephen Jefferson two of the Government Boatmen employed at Port Elizabeth under the direction of the Commandant Captain Evatt appeared personally before me and maketh Oath, that on the Cutter *George the Fourth*

Captain Alexander appearing off Cape Receiffe on her Voyage from England they boarded said vessel and in conversation informed the Master of her, that the Islands within Algoa Bay named the St. Croix were chartered by the Deal Party and the Bird Islands by Mr. Korsten.

(Signed) WM. BARCLAY,
STEPHEN JEFFERSON.

Sworn before me at Uitenhage this fourth day of February, 1824.

(Signed) J. G. CUYLER.

I.

I John Damant hereby make oath and declare, that on my hearing of the arrival of the Cutter *George the Fourth* and understanding it was Captain Alexander's intention to Seal on the Bird Islands, I immediately rode to Port Elizabeth and on being introduced by Mr. Andrew Nicol, I requested to know of the Captain whether he was acquainted with the Situation in which the Bird Islands were placed; he informed me that he was told on his first entering this Bay that they were let out to Mr. Korsten by the Governor, but that would make no difference in his intentions, as he with others conceived that the Governor had no right to let these Islands. I told him that whether the Governor could or could not let them was nothing to the question, as Mr. Korsten had a lease of them, which was registered in the Landdrost's Office, and that of course this Lease must be supported by the existing Government; but the Captain still remained in his first determination, instancing the allowing of Whalers to come into the several Bays to fish. I wished to impress upon his mind the difference of granting the right of Sea and that of Land which was part of the Dependencies of the Colony, and told him if he was determined to put into Execution his intentions all that I now could do was to make a public protest against his proceedings and that he must abide by the consequence; this conversation took place on the 24th of December and on the 27th I went to the Drostdy of Uitenhage to consult the Landdrost Colonel Cuyler on the Subject, who was decidedly of opinion that this vessel had no

right whatever to go there, and that he conceived himself bound to support Mr. Korsten to the utmost in his power ; he gave me a Letter to Captain Evatt commandant of Port Elizabeth, directing him to order the Captain to desist from his intention, which Letter I forwarded immediately on my arrival at Cradocks Town, but to my great surprize I was informed (altho' the Captain had advertized his intention, through his Agent Mr. Nicol, of sailing immediately to Cape Town and that she was then ready to take in goods) that she had sailed the evening before for the Islands, on the evening of the 29th she returned and the next morning I called on the Captain and found that he had read Colonel Cuyler's Letter which appeared to convince him that he had acted wrong, and he said, that he had thought so before, but that other people had misled him. I told him I knew that very well, but I could not have thought that he should so far have committed himself as to state to me a falsehood, for he had only mentioned to me his *intention* of going there, when in fact he had Men on the Islands from the time he first came in the Bay, or rather previous to his coming to an Anchor here, notwithstanding he had before that been informed that these islands were let. The Captain was surprized that I should know this, but I told him it was a fact and I could prove it, which he then did not deny ; he afterwards offered to give me up the Skins and oil and that he would go with his Vessel to some other part of the world ; I told him that I could not receive anything, for the mischief was done, and that he must be answerable to Mr. Korsten for the Damage, which was incalculable, as the Islands were now wholly spoilt for the remainder of the Lease, all I could do was to lay a detainer on the vessel. I then left them for the purpose of writing to the Landdrost on the subject. In about half-an-hour Mr. Nicol came to me, and told me that Captain Alexander had reconsidered the business and had a proposition to make which he thought neither Mr. Korsten or myself would refuse ; on my hearing it from Captain Alexander (which was the equal division of Skins, Oil, &c., and he taking them to England free of every Expence) I told him that I was not authorized to come to any agreement, but I had no objection to transmit his proposals to Mr. Korsten, at the same time I should advise the Captain to put in execution his first intention of taking freight

to Cape Town, where the matter could much better be settled. After arranging with the Custom House he commenced loading, and on the fourth of January last he sailed for Cape Town with a Cargo.

(Signed) JOHN DAMANT.

Sworn before me at Uitenhage this fourth day of February 1824.

(Signed) J. G. CUYLER, Landdrost.

K.

PORT ELIZABETH, December 30th 1823.

To Mr. F. Korsten,
Cape Town, Cape of Good Hope.

SIR,—The situation I am placed in will I hope apologize for my addressing you this Letter. I have brought the British Cutter *George the Fourth* on this coast fitted in London for a Sealing voyage, and destined for the Bird Islands which I now understand you hold as rental to this Colonial Government by a Letter and Copies I have received from Colonel Cuyler this morning, desiring me to desist taking Seals. I now comply, as believing them your just right, yet let me inform you that when I left London on this Speculative voyage no Idea to my knowledge then existed with any person concerned with me or the *George the 4th*, therefore what I have hitherto done has been through ignorance of the power of the Government. I hope the offer which I intend making you will be of such a nature as shall give you general Satisfaction.

I have landed my Mate and nine Men on the Bird Islands, they have procured about 400 Seals, and I have now to submit this proposition to your consideration (to say) my men shall remain on the Bird Islands for the Season, and procure as many Skins as they can, you bearing half the expence of Provisions and Salt, taking half the Skins, and when the Season is over, I will, if we enter into no other agreement carry your portion of Skins home to England freight free ; this is the offer I have to make you, the conditions give me confidence from what I have heard from Mr. Damant and others your liberality will readily meet.

Under these impressions I am now going to take a cargo on for Cape Town, and I hope when we meet to see my anticipation realized. I now &c.

(Signed) JNO. ALEXANDER.

L.

On this the Twenty Seventh day of January One Thousand Eight Hundred and Twenty four, Before me Joseph Sturgis of Cape Town Cape of Good Hope Notary Public duly admitted and Sworn and the Witnesses aftermentioned personally came and appeared William Mallet formerly of Uitenhage Mason, but now of Cape Town who at the request of the Advocate J. A. Joubert as acting for and on behalf of F. Korsten did declare testify and say for truth,

That having engaged his passage from Algoa Bay to Table Bay on Board the Cutter *George the fourth* under the command of John Alexander, he embarked on Thursday the first of January instant and on Sunday the fourth the vessel proceeded to Sea with a fair wind and on Monday the fifth they passed some Islands which the people on Deck informed Appearer were called the Bird Islands, and on the fourteenth instant arrived in Table Bay.

That this Appearer saw no preparations or symptoms of sending a Boat on Shore at said Bird Islands nor did any Boat leave, or come alongside the said Cutter at any intermediate place between Algoa Bay and Table Bay, nor did any person or persons come on Board her after her departure from Algoa Bay.

All which he declared to be ready to verify on Solemn Oath when required.

In faith and testimony whereof I have granted these presents and caused the same to be subscribed by the Appearer at Cape Town the day and year aforesaid in the presence of Jacobus Nicolaas Franke and Pieter Johannes Truter as Witnesses, who with the Appearer and me the Notary have subscribed the Minute hereof on a Stamp of 48 Stivers. Quod Attestor.

(Signed) J. STURGIS, Notary Public.

On this day the 13th of March 1824 Messrs. J. A. Joubert and F. C. Cloete declared to the Sitting Commissioner P. B. Borchers Esquire to desist from a Revision of the foregoing Declaration and to have no objection that the same be considered as having been sworn to and revised. Quod Attestor.

(Signed) J. T. JURGENS.

M.

Be it hereby made known that on this the Tenth day of February one Thousand Eight Hundred and Twenty four, Before me John Samuel Merrington of Cape Town Cape of Good Hope Notary Public duly admitted and Sworn and the Witnesses after mentioned personally came and appeared Richard Simpson, Chief Mate of the Government Brig *Locust*, who at the instance and request of the Advocate Joubert as acting for Frederik Korsten did declare, testify and say for truth,

That on or about the Twenty third day of January last the said Brig being then on her Passage from Algoa Bay to the Kowie and a short distance from the Bird Islands was boarded by a Boat loaded with fish and manned by Mr. Hicks Mate and four Men belonging to the cutter *King George the Fourth*, who informed Godfrey Saunders Commander of the *Locust* that they were looking out for said Cutter which they expected daily.

That on the following day while standing in for the Bird Islands they were again boarded by the said Boat which was manned and loaded as aforesaid and the wind then blowing a fresh gale from the Southward and Eastward the said Brig *Locust* came to anchor under the lee of the said Islands and appearer was directed by said Saunders to land and take the bearings of the Doddington Rock.

That the persons in said Boat having left their fish on Board the *Locust* took on Board the Appearer and proceeded to one of said Islands where they killed about Twenty Seals and then proceeded to another of the said Islands where Buildings were erected and where he found six other persons belonging to the said Cutter.

That said eleven persons occupied the said Buildings and had therein a quantity of gear and Stores which they said belonged to the said cutter and other Stores which they stated to belong

to Mr. Korsten to whom they admitted they knew the said Islands belonged.

That Appearer slept in the said Buildings during the night, and on the following day to wit, the Twenty fifth of January returned on Board the *Locust* which proceeded forthwith to the Kowie where they anchored the same day.

All which he declared to be ready to verify on solemn oath when required.

This Done and Declared at Cape Town the day and year aforesaid in the presence of Siewert Frederik Rorich and Charles Alexander William Rocher.

The Minute hereof is duly signed by the Appearer and Witnesses and me the Notary and now remaining in my protocol on a Stamp of 48 Stivers. Quod Attestor.

(Signed) JNO. SAMUEL MERRINGTON, Notary Public.

On this 13th day of March 1824, Messrs. J. A. Joubert and H. Cloete declared to the Sitting Commissioner P. B. Borchers Esqre. to desist from a revision of the foregoing declaration and to have no objection that the same be considered as having been sworn to and revised. Quod Attestor.

(Signed) J. T. JURGENS.

N.

Reply to the Memorial of Mr. F. Korsten, Lessee of the Bird Islands, complaining of the Master of the *George the Fourth* having infringed his privilege to catch Seals on the Bird Islands :

“ His Excellency the Governor cannot interfere in this case, which is one of private trespass, which Memorialist may have redressed by the usual course of Law.”

Colonial Office, January 16th 1824.

By command of His Excellency.

(Signed) C. BIRD.

O.

Messenger of the Court !

In the name of the undersigned Advocate acting for and in behalf of Frederik Korsten,

Repair to and in the presence of John Alexander Master of the Vessel or Sloop called *George the Fourth* and intimate to him, that he cannot deny having in the course of the Month of December last proceeded with his said vessel and Crew to the Islands situated near the Mouth of the Bushman River on the South East Coast of this Colony usually called the Bird and Chowan Islands and then and there after having landed, to have killed or caused to be killed destroyed and chased away a large number of Seals, Birds and other creatures frequenting said Islands, besides committing other trespasses to the great injury, loss and detriment of the said Frederik Korsten, who holds the said Islands in Lease from the Government of this Colony and of which circumstance the said John Alexander had been previously informed when at Algoa Bay.

You will therefore ask and demand in the name and on behalf as aforesaid whether he the said John Alexander be ready and willing forthwith to pay as an indemnity for the Losses and Damages occasioned by him and his crew as aforesaid the Sum of Twenty Thousand Rixdollars according to an Estimate of the Loss and Damages sustained offering an acquittal and discharge in full ; But in case of refusal or an unsatisfactory answer, by a Judicial Arrest on the said John Alexander his Ship and her Appurtenances besides all other Goods belonging to him in this Colony with interdiction from leaving this Colony before he shall have satisfied the above demand, or shall have found good and approved Security to answer the ultimate issue of this case, and shall have chosen his Domicilium citandi et executandi both subject to the Jurisdiction of the Worshipful the Court of Justice of this Colony.

This arrest to have effect until it shall have been duly reported according to Law.

Serve duly request the assistance of His Majesty's Fiscal in case of need, give notice to the officers of His Majesty's Customs and report to me in writing.

(Signed) J. A. JOUBERT.

Cape Town, 13th day of January 1824.

P.

Thursday the 25th day of March 1824.

All the Members present.

The Secretary of this Court D. F. Berrangé Esqre by virtue of his office, Summoner, vs.

Frederik Korsten on the one part and John Alexander (Master of the Brig *George the 4th* now at anchor in Table Bay of this place) on the other part ; the first mentioned having acted in case of Damage and indemnification as Attacher and Plaintiff, and the last mentioned having acted in said case as Defendant and Attachee, now hereunto required to hear Sentence pronounced on the Papers and Documents exhibited in judicia as well on the attachment laid as in the principal case.

The Court having seen and examined the Papers and Documents exhibited in judicia by both parties and having attended to everything which deserved attention or could in any wise move the Court, administering justice in the name and on behalf of His Great Britannic Majesty, first with regard to the Attachment laid does relieve the Defendant therefrom, as having been unduly and illegally laid, free of Costs and Expenses, with interdiction of doing the like again, and with indemnification of all Costs and Losses already thereby sustained and which may still be sustained ; and further in the principal case, the Court doth reject the Plaintiff's claim and conclusion made against the Defendant, leaving to the Plaintiff to bring such action against the Defendant as he shall think advisable for having occupied the Chowan or Bird Islands, and the Buildings which the Plaintiff erected thereon,—as also for Damage and Losses which the Plaintiff may thereby have sustained, or caused by the Defendant, compensating the costs for reasons moving the Court, as well those incurred in laying the attachment as those incurred in the principal case, subject however to be taxed and moderated by this Court.

Thus passed and decreed in the Court of Justice at the Cape of Good Hope 23rd March 1824 and pronounced the 25th ensuing.

In my presence.

(Signed) D. F. BERRANGÉ, Secretary.

On this day the 26th March the Advocate J. A. Joubert acting for the Plaintiff noted an Appeal from the above Sentence to the Right Hon'ble the Court of Appeals for Civil Cases.

Quod Attestor.

(Signed) W. J. SMUTS, Head Clerk.

Q.

Reply to the Memorial of Mr. J. S. King praying for the grant of the Islands of St. Croix and Bird Islands for the purpose of procuring Seals, Fish, &c., and of establishing a Fishery :

“ Cannot be complied with, His Excellency will not alienate positions of this nature.”

Colonial Office, February 14th 1822.

By Command of His Excellency the Governor.

(Signed) C. BIRD.

No. 4.

I the undersigned Jacobus Petrus de Wet Notary Public admitted by this Government and residing in this Town, do hereby certify : That on this 18th day of February 1824 appeared in my office Mr. Hermanus Gerhardus Muntingh who exhibited to me a receipted Bill of the following tenor.

CAPE TOWN, *April* 1822.

Messrs. Van Hall Sappé and Muntingh

	Dr. to F. Korsten
For 8782 Seal Skins at 2½ Rds.	Rds.21,955
63 Casks Oil Train	2,810
	<hr/> 24,765

Received this day.

(Signed) F. KORSTEN.

And requested to draw out a Deed in due form for all those whom it may concern, which is these presents.

Thus Done at the Cape of Good Hope on year Month and day aforesaid and a Deed drawn hereof in presence of the

clerks Johan Coenraad Wahl and Christiaan George Maasdorp as Witnesses who have signed the Minute hereof on a stamp of 24 Stivers. Quod Attestor.

(Signed) J. P. DE WET, Notary Public.

No. 5.

Invoices of Sixty-three casks Seal Skins and Thirty-four Hogsheads Seal Oil shipped on Board the *Marianne J. Parker* Master by Thomas Saunders & Co. Cape Town for their account and risk and consigned to Messrs. Thomas Simpson London.

Cape Town, 14 August 1823.

Sixty-three casks containing 4925 Seal Skins at 3 <i>Rds.</i> per	<i>Rds.</i>	<i>sk.</i>
skin	14,775	0
Thirty-four Hogsheads Whale oil containing together		
2091 gallons at <i>Rds.</i> 100 per 152 gallons	1,375	4
	<hr/>	
	<i>Rds.</i> 16,150	4

I Laurence Witham of Cape Town Cape of Good Hope Notary Public duly admitted and Sworn do hereby Certify and attest that the above is a true and faithful Extract from the Book called "the Invoice Book" of Messrs. Simpson Saunders & Co. of this Town Merchants. I the Notary having this day collated the same and found the said Extract to agree in every respect with the said Invoice. Act whereof being required of me the Notary I have granted these presents under my Notarial Seal of Office to serve and avail as occasions shall or may require.

Thus Done at Cape Town this 18th day of February 1824 in the presence of Siewert Frederik Rorich and Robert Hornby.

The Minute hereof is also signed by the Witnesses and the Notary and now remaining in my Protocol on a 24 Stivers Stamp. Quod attestor.

(Signed) LAUCE. WITHAM, Notary Public.

No. 7.

Be it hereby made known, That on this the Twenty-fifth day of February in the year of our Lord One thousand Eight Hundred and Twenty four.

Before me David Passmore Taylor of Cape Town Cape of Good Hope Notary Public by lawful authority duly constituted admitted and Sworn and in the presence of the Witnesses hereinafter mentioned,

Personally came and appeared, Peter Westenbergh Carpenter of the British Cutter *George the Fourth* of and belonging to the Port of London and now lying on Anchor at Table Bay Cape of Good Hope aforesaid at the request of John Alexander of the said Cutter.

And the Appearer offering a Solemn Oath on the Holy Evangelists of Almighty God to the truth of this Declaration and every part thereof whenever he should be thereunto duly required did declare, testify, depose and for truth say,

That the Appearer together with John Hicks Mate, John J. Mallors Second Mate, Joseph Lythall and Charles English Mariners, Thomas Hall, Joseph Tait, William Smith, Antonio Martin, John Neale, Charles Rendall, David Budd, Thomas Wilson together with the said John Alexander the Master formed the Officers and Crew of the said Cutter and that they sailed in the Month of September last duly licensed for a Whaling and Sealing Voyage.

That the Appearer with the rest of the persons above named being in the said Cutter off the Chowan or Bird Islands near Algoa Bay to the Eastward of the Cape of Good Hope where they intended to Seal, he perfectly well remembers that on the Sixteenth day of December last past the said John Alexander ordered all hands on Deck and declared generally to them, and particularly to those whom he should leave on the said Islands for the purpose of Sealing, that if any Act of Trespass or Damage was done to the Premises or other property on the Island either party committing the same should be individually responsible for such trespass or Damage, and that he the said John Alexander would not consider himself as Master of the said Cutter in any way liable for the same, or words to that effect.

And that two days afterwards pursuant to such previous intention he left the following men sealing on the said Island with such strict injunctions viz.: the Mate John Hicks, Thomas Hall, Joseph Tait, one Francis a Supernumerary employed at Algoa Bay, William Smith, Antonio Martin, John

Neale, Charles Rendall, David Budd, and Thomas Wilson, and where the said Mate and Several Seamen now are.

In faith and testimony whereof I have granted these presents and caused the same to be subscribed by the Appearer at Cape Town the day and year first above written in the presence of the subscribed Witnesses. Quod attestor.

(Signed) DAVID P. TAYLOR, Notary Public.

The Minute hereof is duly signed by the Appearer and Witnesses and me the Notary and now remaining in my Protocol on a Stamp of 48 Stivers. Which I attest.

(Signed) DAVID P. TAYLOR, Notary Public.

No. 8.

Be it hereby made known That on this the Twenty-fifth day of February in the year of Our Lord One Thousand Eight Hundred and Twenty-four,

Before me David Passmore Taylor of Cape Town Cape of Good Hope Notary Public by lawful authority duly constituted, admitted and Sworn and in the presence of the Witnesses hereinafter mentioned,

Personally came and appeared George Rayne Chief Mate of the Schooner called the *Flamingo* now lying at anchor in Table Bay Cape of Good Hope aforesaid, at the request of John Alexander Master of the British Cutter *George the 4th*.

And this appearer offering a Solemn Oath on the Holy Evangelists of Almighty God, to the truth of this declaration and every part thereof whenever he should be thereunto duly required did declare, testify, depose and say forthwith :

That the appearer on the Eighth day of this inst. February has seen John Hicks Chief Mate of the said British Cutter who was then with a part of the Crew of the said Cutter Sealing on the Chowan or Bird Islands situate near Algoa Bay in this Colony who informed the Appearer (and which information was requested particularly to be conveyed and communicated by the appearer to John Alexander Master of the said Cutter *George the 4th* now in Table Bay aforesaid) : that a letter had been sent by Mr. Frederick Korsten from Cape Town and

conveyed to the Chowan Islands by means of the Ship *Neriad* addressed to that part of the Crew of the said Cutter remaining on the said Islands for the purposes aforesaid informing them that this said vessel *George the 4th* had been seized and condemned and advised them to desist and join the *Neriad's* party for that their voyage was lost in the said Cutter and which information he the appearer personally communicated to the said John Alexander on the twenty fourth day of this Instant February on board of the said Schooner *Flamingo* now in Table Bay aforesaid.

In faith and testimony whereof, I have granted these presents, and caused the same to be subscribed by the appearer at Cape Town the day and year above written in the presence of Subscribed Witnesses. Quod Attestor.

(Signed) DAVID. P. TAYLOR, Notary Public.

[Copy.]

Letter from MRS. ERITH *to the* SECRETARY TO GOVERNMENT.

CAPE TOWN, *July 26th 1825.*

SIR,—I have the honor to inform you I received the Balance as acknowledged by the Asst. Commissary in favor of J. T. Erith (on the part of his Deposit Money) on Friday last, and for which I beg to express my thanks, having every reason to suppose it was owing to the kind interference of Sir Richard Plasket, or the amount would never have been reimbursed.

I hope Sir Richard Plasket will not think me intruding on his goodness by requesting the supply of Rations, having had to defray expences which I was obliged to incur previous to my receiving the Money. I shall then I hope be able by the Needle to provide my Children, House Rent and Clothing, but should that attempt prove fruitless, I shall be compelled to request a Free Passage to England. I have &c.

(Signed) JANE ERITH.

[Original.]

Letter from MR. BISHOP BURNETT to R. W. HAY, ESQRE.

BROWN'S HOTEL, WESTMINSTER, 27 July 1825.

SIR,—As there are several vessels about sailing for the Cape of Good Hope, in one of which I am desirous of taking my passage, I beg to inquire what is the result of my last application for a qualified permission to return.

I must intreat of you to favor me with a very early answer, as it is of much importance that I should secure my passage before to-morrow evening. I am &c.

(Signed) B. BURNETT.

[Copy.]

Letter from the Secretary to Government to the late Bookkeeper of the Printing Office.

COLONIAL OFFICE, 28th July 1825.

SIR,—It appearing from the accounts of the Bookkeeper of the Printing Office, that the amount received for translations of Advertisements sent by Individuals for insertion in the *Government Gazette*, was carried to public account (as directed in the Instructions of Government conveyed by letter from the Colonial Secretary of the 8th and 10th May 1809 to the Superintendent of the Government Printing Office and to the Sworn Translator), up to the end of July 1819, but that from that period no such Receipts were credited to Government in the Bookkeeper's accounts although such Accounts have been audited by the Auditor General, I am directed by His Excellency the Governor to desire that you will inform me upon what authority the Receipts for this Service were not regularly accounted for from the period above-mentioned. I have &c.

(Signed) RICHARD PLASKET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 30th July 1825.

MY LORD,—I transmit to your Excellency herewith enclosed a copy of a letter which has been addressed to my Under Secretary of State by John Carnall accompanied by a Diary of the treatment which he alleges to have experienced during his imprisonment on a charge of having aided and assisted the escape of William Edwards a Convict under sentence of transportation to New South Wales.

It would appear from the statement of Mr. Carnall that he was found guilty of the charge preferred against him and thereupon sentenced to be banished from the Colony : and as it is not alleged that the sentence was either illegal or disproportionate to the offence, I should not have thought it necessary upon the present occasion to draw your Excellency's attention to this subject, if it did not appear to me that the statement of that Individual contains some points touching the administration of Criminal Justice which seem deserving of more particular consideration than those papers enable me to bestow upon them.

The first point to which I would direct your Excellency's notice relates to the extreme disproportion between the original sentence of the Commissioners of the Court of Justice who condemned Carnall to banishment from the Colony for the space of one year, and the final judgment of the full Court, which is stated to have decreed the Prisoner's transportation to New South Wales for the term of five years. This sentence appears indeed to have been mitigated by your Excellency's allowing the Prisoner to proceed to this Country : but assuming that the Court were fully warranted in awarding such judgment, it yet appears to me to be a fit subject of Enquiry whether the aggravation of the original sentence was founded upon any additional evidence or whether it was merely measured by the discretion of the Judges.

In either case, however, I would beg leave to call your attention to the practice which seems to have been recently adopted by the Court of Justice of sentencing persons who have trans-

gressed the Laws of the Cape to be banished to New South Wales, as it appears to me to be essentially important that I should be accurately informed of the principles upon which Offences committed against and tried by the Laws of the Colony are punished by a mode of transportation for which they could not have specifically provided ; and although the Government of New South Wales has recently been empowered by Law to exercise coercion over criminals who may be transported to that Colony from His Majesty's Foreign Possessions generally, yet I have serious doubts whether it would be expedient that such persons should, in all cases, be permitted to reside there.

I cannot avoid likewise calling your attention to the representations contained in Mr. Carnall's Diary respecting the want of cleanliness in the Criminal Prison and to the daily practice of flogging certain Prisoners ; for, although I am well aware that persons suffering the penalties of their misconduct are apt to put forth exaggerated statements of the treatment which they experience during their confinement, yet it would be satisfactory that I should be informed that the internal Regulations of the Prison are so framed as to prevent any of the irregularities complained of, and that the superintendence of that Establishment is placed in the hands of persons whose duty it is to see that such abuses do not exist. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 30th July 1825.

MY LORD,—I have the honor to transmit to Your Lordship Copy of a letter from the Commandant and Government Resident at Port Elizabeth (Algoa Bay) giving cover to a Memorial from the Inhabitants of that Town, praying that a Wharf, similar to that in Table Bay, may be erected in Algoa Bay.

Although I perfectly agree with the Memorialists as to the

advantages which would be derived from the erection of such a work, it is my duty to state to Your Lordship that the Colonial Revenues cannot bear the Expense of such an undertaking and that I have no means of ascertaining with any accuracy the Expense such a work might incur, unless an Officer of the Royal Engineer Department were expressly employed on that duty, but it would be more satisfactory, if Your Lordship should contemplate the entering upon this and other works for the Improvement of the Ports here, that a Civil Engineer should be employed to ascertain the information required. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

PORT ELIZABETH, *July 12, 1825.*

SIR,—At the request of the Inhabitants of this Village, I have the honor to forward herewith a Memorial to be laid before His Excellency the Governor. I have &c.

(Signed) J. EVATT, Commandant and Resident.

The Secretary to Government.

[Enclosure 2 in the above.]

To the Right Honorable General Lord Charles Henry Somerset,
Governor, Commander in Chief, &c., &c., &c.

The Memorial of the Undersigned Inhabitants of the district
of Uitenhage Sheweth !

That your Memorialists are impressed with a grateful sense of the benevolent considerations of His Majesty's Ministers for the welfare of the Colony of the Cape of Good Hope, and of the British Settlers in particular : and they congratulate themselves in the expectation that any representation made by Your Excellency will meet with immediate attention.

It is with heartfelt pleasure that your Memorialists have heard of your Excellency's kind intention to promote the improvement of Port Frances.

Your Memorialists would humbly represent to your Excellency, that in the anticipation of a complete free trade to foreign parts, if a Wharf similar to that at Cape Town was erected, the accommodations of Port Elizabeth would be complete.

By the erection of a Wharf an immense saving would occur to the Merchants in not having to provide surf-boats, and dry goods which are now frequently damaged would be landed in safety.

Thus the advantages of the Harbour of Port Elizabeth would become fully appreciated, and the best interests of the Colony would be promoted.

Your Memorialists therefore humbly hope that Your Excellency will make Memorialists' request known to His Majesty's Ministers, and to recommend the erecting of a Wharf at Port Elizabeth of the same form and extent as that at Table Bay.

Your Memorialists when they call to mind the readiness of His Majesty's Ministers to recommend Parliamentary grants of Money, in order to promote the general improvements of the Empire, consider that the present subject would be cheerfully entertained and such are the prospects of a Foreign Trade that your Memorialists make no doubt that the Wharf-dues hereafter will make the Income receivable from Port Elizabeth a source of Financial prosperity.

And your Memorialists as in duty bound will ever pray.

(Signed)	THOS. PULLEN	J. P. BAUM
	THOS. PULLEN jr.	W. B. FRAMES
	JNO. SCHEUBLE	M. CURDIE
	AND. NICOL	SETH BULL
	WILLIAM DUNN	WM. LOVEDAY
	J. A. CHABAUD	THOS. WILLIAMSON
	RICHD. HUNT	G. HAWKINS
	J. C. DE LA HARPE	W. R. HILTON
	CHAS. GURNEY	CHAS. COOPER
	JOSEPH DANIELS	RICHD. FRAGAN
	W. MARTIN	T. GRIFFIN
	JNO. WILLIAMSON	WM. FOX
	DANIEL RAUNN	WM. TAYLOR

G. SMETS	MESSRS. WELSFORD & Co.
JNO. BERRY	HENRY LOVEMORE
PETER WHITE	J. C. COLLING
A. TENNANT	H. REED
JOSEPH BROADBENT	N. KITGE
JAS. BROADBENT	JOHN G. DUNN
F. WEYS	J. BAGLEY
I. HICKMAN.	

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 30th July 1825.

MY LORD,—In my Despatch to Your Lordship No. 160 under date the 31st of March 1825, I alluded to the Mantatees and others of the Native Tribes in the Interior of Africa, who had taken refuge within this Colony.

In the year 1823 I issued Instructions to the Landdrost of Graaff Reinnet, of which the enclosed is a Copy, relative to the few Mantatees who had then sought protection in that District ; the influx of these Savages has however of late encreased to a considerable amount, and within the last few Months upwards of Three Hundred either Mantatees or Goes, have taken refuge in the Graaff Reinnet and Somerset Districts, in a state of dreadful want and emaciation, in some Cases too revolting to humanity to describe, as Your Lordship will perceive by Mr. Stockenstrom's Letter of the 1st June (enclosed).

I have already mentioned to Your Lordship in my Despatch above alluded to, the plan I had in contemplation, of allotting them for a term of temporary apprenticeship to such of the landed Proprietors in Albany who were not Owners or Holders of Slaves, and I explained to Your Lordship my reasons for having made this distribution.

Upon this principle therefore, and deeming it necessary to give very strict Orders upon the subject, at all events until the pleasure of His Majesty's Government can be made known, I have issued fresh Instructions to the Landdrosts of Graaff Reinnet and Somerset, of which I enclose a Copy.

From these Instructions Your Lordship will perceive that I have so far deviated from the plan of sending the whole of these Natives to Albany, as to authorise the Dutch Landed Proprietors in the Graaff Reinet and Somerset Districts, not being Owners of Slaves or having Slaves in their employment, to receive a portion of these Natives, and I have been induced to do so in order to prevent a feeling of jealousy among the few Dutch Farmers who come under this description and who would feel themselves equally entitled to the indulgence, as the British Settlers in Albany.

I shall however feel extremely anxious to receive Your Lordship's Commands in regard to the Policy to be adopted, towards these unfortunate Savages, should they continue, as I have little doubt they will do, to seek refuge in this Colony.

I transmit to Your Lordship Copies of a Correspondence with the Commandant of the Frontier relative to the state of the Mantatees and to their supposed Intention of attacking the Kaffers, but I am happy to say that the alarm which had been momentarily created on the Frontiers from these Reports has entirely subsided and everything remains in a state of perfect tranquillity. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Regulations to which the Masters of Apprentices Indentured by His Majesty's Fiscal shall in future be bound.

1. Every Apprentice shall have a number assigned to him by His Majesty's Fiscal, which number, together with the name of the Apprentice, shall be inserted in the Indenture, and be registered in the Fiscal's Office.

2. In order to prevent the uncertainty to which the state of the Apprentices may otherwise be subject, it is prohibited to the Masters to alter the names of the Apprentices inserted in the Indenture.

3. The Masters shall provide their Apprentices, during the time of their Apprenticeship, and the Children of their female Apprentices, during the time of the Apprenticeship of the Mothers, with the necessaries of life, viz. lodging, clothing,

food, and every other necessary ; and in addition to this, every Apprentice, either male or female, shall be entitled to receive weekly, from his or her Master, the sum of Two Skillings Colonial Currency, for their own use and benefit.

4. The clothing of the said Apprentices shall be given twice a year, at the beginning of the months of May and November, according to a muster to be exhibited in the Fiscal's Office ; winter clothing to be of kersey or second cloth, summer clothing of duck or some such article.

5. The Masters shall instruct, or cause to be instructed, their said Apprentices, during the time of their Apprenticeship, in the occupations of Husbandry, or as House Servants, or other useful employments, to be specified in the Indenture, according to the usage of this Colony ; and they shall carefully instruct, or cause their said Apprentices to be instructed, in the principles of the Christian Religion, and shall have them baptized when sufficiently instructed, and shall permit and encourage them to attend Public Worship.

6. The Masters shall not cede or let their Apprentices to any other Person whomsoever, unless with consent of His Majesty's Fiscal, and under such restrictions as His Majesty's Fiscal shall feel incumbent to prescribe.

7. The Masters shall not take their Apprentices, or cause or permit them to be taken, out of this Colony, unless with special permission from His Excellency the Governor ; and in order the better to ensure the compliance with this Regulation, the Masters shall be bound to give sufficient and approved security for the sum of three thousand Rixdollars, to be forfeited by them, in case they shall appear to have acted contrary to this Regulation, over and above such other penalties and forfeitures as they may incur, in case they shall have transgressed the existing Laws respecting the abolition of the Slave Trade.

8. In case of the birth of Children, the Masters of the female Apprentices to whom such Children belong, shall take certificates from the Midwives and other Persons, who have assisted their female Apprentices at the birth of the said Children, proving that the said children have been born of their said female Apprentices, which certificates shall be lodged and registered in the Fiscal's Office, within 48 hours after the birth of the said Children.

9. The Apprentices shall be produced in the Fiscal's Office annually, on such days, as will be advertised by His Majesty's Fiscal in the Public Gazette for the information of their respective Masters, in order to be examined respecting the progress they have made in the principles of the Christian Religion, and the occupations they have been instructed in, as well as respecting the treatment they receive from their Masters.

10. In case it shall appear to His Majesty's Fiscal, at the examination of the Apprentices and the Children of the female Apprentices, that their Masters have neglected to perform the covenants contained in their Indentures, or any of the said covenants, the Masters shall forfeit all their right to the services of the said Apprentices, besides such other penalties as the Masters shall incur according to the existing Laws of this Colony ; and His Majesty's Fiscal shall take such Apprentices immediately out of the service of their Masters, and re-apprentice them to other Masters, for the remainder of the time for which they have been apprenticed.

11. The same forfeiture of the right of the Masters to the services of their Apprentices, and immediate re-apprenticing of the Apprentices to other Masters, shall take place, in case the Masters do neglect to produce their Apprentices, and the Children of their female Apprentices, in the Fiscal's Office, for examination, at the time prescribed in the Advertisement.

Fiscal's Office.

[Enclosure 2 in the above.]

GRAAFF REINET, 1st June 1825.

SIR,—On the receipt of your Letter of the 8th April last relative to the Mantatees and other Natives from the Interior who have of late taken refuge within this District, I called upon the Field Cornets for correct returns of the number of that people to be found in their divisions, and have the honor now to inform you that according to their Reports there are altogether One Hundred and Seventy Five Men, Ninety Three Women and Thirty Three Children independent of those who have been apprenticed to Inhabitants for Seven years according to an Order from your Office dated 27th August 1823, of which Apprentices I also enclose a List. It is however necessary to acquaint you that the Field Cornets' returns cannot be im-

plicitly calculated on owing to the following circumstances, viz. When the above mentioned unfortunate fugitives began to make their appearance among the Farmers in numbers, in a dispersed state, scattered over a vast extent of Frontier, it was but natural to suppose that in the Calamities they had suffered during successive defeats and oppressions by merciless Conquerors and Masters, the Man had been separated from his wife, the Parents from their Children, and I caused it to be clearly understood that whatever humanity and kindness should be shewn them should not be considered as constituting a claim to their Services, that consequently they should be 'at full Liberty to depart when they thought proper, or go from one place to another in search of their lost Wives, Husbands, Parents, or Children, those therefore who have suffered such loss and others perhaps without so good a reason are constantly moving from one division to the other, so that it has hitherto been out of the power of the Field Cornets to keep correct Lists.

In my late visit to the borders I paid particular attention to those of the above savages now with the farmers, but am sorry to say that a want of good Interpreters made my communication with them very imperfect; they all seemed quite happy in their present situations, and most anxious to remain therein, tho' I would not adduce this feeling as a proof of their being in reality well treated, much less of the Policy of leaving them where they are, and that feeling of course originates in a mere comparison of their present state with what they suffered since they were driven from their own Country which must have been quite dreadful. I am credibly informed that the bones of those who have perished from hunger and their wounds are scattered all over the Country along the Caledon River, and some, who escaping one misery, got in among the Griquas and Corannas have come across the Great River with their backs literally cut to pieces by the Sjamboks of those worse than Savages. In justice to our Colonists it must be added that after the most anxious Inquiry I have not been able to discover any instance of Cruelty being used towards them within our Limits, as however it appears by your Letter that His Excellency the Governor has under consideration a plan for their disposal, all further remarks on my part would be obtrusive.

It is perhaps not superfluous to add that the above statements do not refer to Bosjesmen, as in regard to that Tribe Laws are already established. I have &c.

(Signed) A. STOCKENSTROM.

Sir R. Plasket, Secretary to Government.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 21st July 1825.

SIR,—His Excellency the Governor having submitted to the consideration of Council the state of the native Tribes who have lately passed the Frontier, and taken refuge in this Colony, it was resolved that until the pleasure of His Majesty's Government could be known on the subject, His Excellency should give the strictest Injunctions to the Local Authorities to carry into effect the temporary measures which have been decided on in their regard.

I have therefore to signify to you His Excellency's pleasure that you take the most prompt and decisive steps for discouraging by every means in your power the influx of Mantatees or of any other of the savage Tribes bordering on the Colony into your district, and that you will admit of no exception whatsoever to this Rule, under any other circumstances than those of the actual want of the means of subsistence.

Upon this subject His Excellency desires that you will give the strictest Orders to all the Field Cornets of the Frontier part of your district, and that you will state to them distinctly that they must on this occasion sacrifice all feelings of private interest or advantage to the Orders of Government, and His Excellency trusts with confidence to your seeing his Instructions on this head carried into the most effectual execution.

With regard to such of these native Tribes who have lately entered into the district and who have not been already apprenticed by you under the Authority granted by the Colonial Secretary's letter of the 27th August 1823, His Excellency desires that the whole of them may be produced before your Board of Landdrost and Heemraden, which must be assembled for the purpose, that you will, through the means of some competent Interpreter, state to them that the British Government can only receive them under its protection upon

one plea, and that is, of their being totally destitute and unable to provide themselves with the means of subsistence elsewhere; and you will order safe conduct to be given, and every attention to be paid to those who may feel inclined to return to their Tribes beyond the Frontier.

From the manner however in which these Savages have entered the Colony, His Excellency is not sanguine enough to suppose that many of them will feel inclined, even if they had the power, to rejoin their native Tribes. It will therefore be necessary for Him to take the most effectual means for protecting those who may remain, and for preventing any undue advantages being taken of their total Ignorance and state of Helplessness by those to whom they may have been momentarily indebted for sustenance and support.

The question is one of most material Importance to the Colony, and His Excellency therefore desires that you will not allow yourself to be thwarted or turned aside from the Instructions you will receive on this Head by any Arguments of Policy, Interest, or Feeling which may be urged by the Inhabitants on this occasion, but that you will limit yourself (without exercising any discretion on the subject) to giving effect to the following Instructions,

1st. It is His Excellency's positive desire that none of these Savages be permitted to remain in the service of any one who may be a Slave Proprietor or who may have Slaves in his employ, and in making this known to the Parties who may already have any of them under their protection, you are hereby authorized to grant them any moderate remuneration for the Expenses they may have been at in supporting and conveying those Poor Creatures to the Drostdy.

2nd. You are further empowered to distribute among any of the Farmers or other Residents in your District, not being Slave Proprietors, or employing Slaves, as many of these Natives as they may feel inclined to support, provided that they themselves voluntarily agree to enter into such Service under the express condition however that these poor People are to be decently clothed and well fed, and that each Individual receive a name and be Registered in a Book to be opened by you for that purpose, under such name, and with a full specification of all his peculiar marks and characteristic features,

their ages, sex, height, &c., and that a Memorandum thereof signed by you be given to the Persons to whom they may be allotted. It is further desired that Man and Wife, or Women with young children may not be separated, or at all events not without the full concurrence of the Parties.

3rd. The Farmers or other Residents in your district will be allowed, after the Registry shall have been effected, to keep these People in their Service until the ensuing Opgaaf, when the whole of them are again to be brought before the Board of Landdrost and Heemraden, and when such of them who may still continue willing to remain in the service of the Farmers &c. to whom they have been allotted, will, if the plan be approved of by His Majesty's Government, be regularly apprenticed to them for five, seven, or ten years, according to circumstances as may hereafter be determined upon by His Excellency the Governor in Council, under proper deeds of Apprenticeship, and will thenceforward become subject to the Laws relating to apprenticeship in this Colony.

The Deeds of Apprenticeship will provide for a severe Penalty in case of not reporting any death, or the Birth of any children or the prolonged absence of these Savages from their Masters, and in the mean time you will notify in the Memorandum to be given to the Farmers and others (specifying the Persons allotted to them) that any failure in this respect will render them incompetent to benefit by their Services in future.

In regard to such Portion of these native Tribes who may remain undisposed of in the manner above mentioned, and who are anxious to remain in the Colony, you will forward them on to the Landdrost of Albany, who has received Instructions as to their temporary allotment, and His Excellency will be happy to hear that the greatest part of them have been disposed of in this manner.

It is His Excellency's intention that any Expenses incurred on account of remuneration to the Boers, for the temporary support and maintenance given to these poor People, should be defrayed by the Parties to whom they may subsequently be allotted. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

To the Landdrosts of Graaff Reinet and Somerset.

[Enclosure 4 in the above.]

MILITARY SECRETARY'S OFFICE,
CAPE TOWN, *June 18, 1825.*

SIR,—I am directed by the Commander of the Forces to transmit to you a Copy of a letter addressed to His Lordship by Major Forbes, commanding the Frontier, covering a report from Lieut. Rogers of the Cape Cavalry of a Reconnaissance made by him in the Tambookie Country, and also a letter from Mr. Thomas Pringle, relative to a tribe of savages supposed to be advancing on the Frontier of the Colony.

And I am directed by His Lordship to inform you that directions have been given to the Commandant on the Frontier, that in future all correspondence relative to the Political State of the Frontier shall be addressed to you. I have &c.

(Signed) CHAS. A. FITZ ROY, Military Secretary.

Sir Richard Plasket, Secretary to Government.

[Enclosure 5 in the above.]

GRAHAM'S TOWN, *May 31, 1825.*

MY LORD,—In my last letter to your Lordship I mentioned having advanced to Fort Willshire with one hundred men of the Cape Corps there to wait your orders, and of my having dispatched Lieut. Rogers on the evening of the 20th Inst. with a small Escort, and with directions to advance into the Tambookie Country as near the Tribe of the Ficani as possible and to obtain information. This officer executed my orders with much promptness, and returned on the Evening of the 27th. I have the honor to forward his report and also another statement from Mr. Pringle the head of the Scotch Settlers located on the Baviaan's River.

I have in consequence of your Lordship's orders (not to interfere in the contest between the Tambookies and Ficani) returned to Graham's Town with the Detachment of the Cape Corps, my object, should your Lordship have approved of it, was to have kept these strangers at a distance from the Colony conceiving it more easy to do so than to drive them with the Kaffers back, after the latter people had been forced

to pass the Frontier, for protection, thereby more effectually protecting the Frontier from the ravages of both parties.

From a letter which I have received from Captain Massey it appears that the Kaffers have taken possession of the Territory promised them to be occupied from time to time, at the discretion of the Commandant of the Frontier, and as I before mentioned I feel myself at a loss how to act in this case not having received any orders on this subject from Lieutenant Colonel Somerset and Majors O'Reilly and Bartley, to whom Lieut. Rutherford refers me, not being able to give me any information. I have to request your Lordship's orders on this head. I have &c.

(Signed) WM. S. FORBES, Major Commanding.

Lord Charles Somerset.

[Enclosure 6 in the above.]

CHUMIE, May 27, 1825.

MY DEAR MAJOR,—Pursuing my route to the Tambookie Country after leaving the Kraal at which I found Gika, and with the two Caffers he had furnished me as Guides, I passed through an Intricate Country, very hilly and covered with Mimosas, general direction about N.E. and up the left bank of the Keiskamma, climbing the Mountains in which this river rises, and passing round its farthest source I got upon a plain uninhabited country, destitute of wood, extending East and West for a considerable distance, in the latter direction as far as the Winterberg. Crossing this plain (direction N. and by E.) which is about 50 miles in width, I came upon the Tambookies, who received me with great kindness and provided me with whatever their means afforded. Their Chief Chei-Chai I found on the black Kay River, his satisfaction was extreme when he was told I had come to learn Intelligence of the Infanicama of whom he expressed great dread, and respecting whom he gave me the following information.

This people had emigrated from a great distance Northward, having been quite unknown to them till about two years ago. Their first assault was upon Vooserine, a Chief near the Sea Coast who repulsed them; they then proceeded up the Kay

River and plundered Hinza, Jalouza and T'Sambie's people, till these chiefs combining their forces gave them an overthrow. This compelled them to move further westward when they came upon the Tambookies, whom they have completely made their prey.

They have driven them from the country they have long occupied, beyond the Kay River, plundered them of their Cattle, and murdered all that fell into their hands. Chie-Chie has opposed himself three times to them, in the first engagement by taking them by surprise, he was successful, but in the last two he was so completely defeated that he now lost all heart and his people are so dispirited that they will not again face the Invaders. Eight of his relatives, three of whom were sons, and 240 men besides women and children have fallen in these engagements, and the quantity of cattle taken is immense; as these people (Infacani) approach the Tambookies fly before them. They (the latter) are now in a country no way adequate to support them, living in wretched huts, hastily thrown together of the rudest Materials, not even weather proof. Some have escaped to Jalouza and Hinza, and placed themselves under their protection. The favorite mode of attack of the Infacani (sometimes called Fecani) is by surprising the Kraals at night, setting fire to the huts, and suffering none to escape; they are extremely bold, always rushing on to close attack, and are very swift, many of them are among the Tambookies, having come by few at a time, under the excuse that they were driven away from their own Country. They have been suffered to live and are well treated, and now repay this hospitality by acting as spies to their Countrymen (many of them also are among the Kaffers, some have reached even to Botuman and Enno's Kraals near Fort Willshire). These relate that their Countrymen are forced on by a more powerful Tribe beyond them who plunder them, and they in turn are compelled to seek subsistence by similar means. They never rear Cattle, nor sow Corn, but slaughter and devour as long as what they have lasts and then proceed to plunder again. Their wives and children accompany them as well as all that they possess; and where they drive the Tambookies from there they set themselves down and occupy.

They have no white people among them. They are generally

even darker than the Kaffers, have sharp features and oval countenances with hair of a mixture between long and woolly. Some few I saw answered this description. They have a great dread of fire arms and relate that some few of their tribe attempted to plunder some people to the westward who had them (fire arms) and were repulsed. Cha-Chie and his people now occupy the most inaccessible part of the Country on this side of the Kay River, the general character of which is very mountainous. Among the ravines and recesses of these they are so thickly crowded that they cannot long subsist there, and must either come into the Colony or move to the Eastward and get among T'Sambie and Hinza's Kaffers, for the plain between the Chumie and Keiskamma Mountains, and the Country they now are in is so elevated and cold as well as destitute of wood, that they cannot live upon it. Several of them have died there of late, when returning from hunting about the Koonappe and Cat Rivers. The bones of one who had so perished was shewn to me.

I returned home by the shortest route, across this plain, its width being in this part much the same as before mentioned, and came down immediately upon the Chumie Institution, passing on the way the spot where Mr. Stockenstrom had encamped with a force of Burghers some years ago, when going to join Colonel Willshire then about to invade Kafferland. It is in a source of the Kay River, a fine stream, but wood is very scarce, it is about thirty miles from the Chumie, for waggons to get upon the elevated plain they must be taken up the Chumie Range or move to the Westward; to the East there is no possibility of their getting up. The former is very passable by two Routes, on the Top of the Chumie hills is an eligible spot for a camp about 12 miles from the Institution by the waggon road.

Further on I saw no place nor could learn of any that would do, nearer than the Tambookie Country, this side the Kay River. Stockenstrom's former camp Ground might do for a Temporary Residence, say two days, but not longer. Should the Tambookies evacuate the Country they now occupy, there will be no people between the Inficani and the Chumie. The distance across the plain will take them about $1\frac{1}{2}$ days to travel, and by coming this route they can enter the Colony,

without being opposed by, or their approach even known to the Kaffers, as to opposing them I don't think the Kaffers judging from the anxiety I observed displayed by them respecting these people, I do not think they would make any great attempt of the sort, but would rather fly into the Colony for protection. They relate that the Ficani amongst them express it to be their Countrymen's determination to come and see the white men with whom also they wish to try their strength.

In the event of an attack being intended on our part, waggons and artillery can be by two Routes taken up the Chumie Mountain, over the plain and to the Kay River over which also near the part I visited there are fords. I was much indebted to Messrs. Ross and Thompson for the information they gave me, and the Guides they furnished me with, who as well as those I got from Gaika behaved remarkably well, and afforded me much facility in getting thro' the Country and communicating with the people. I am &c.

(Signed) W. H. ROGERS, Lieut. Cape Cavalry.

To Major Forbes, Commanding the Frontier.

[Enclosure 7 in the above.]

EILDON, BAVIAAN'S RIVER, May 29th, 1825.

SIR,—Having recently heard various alarming rumours of the approach of the *Mantatees* towards the Colony, and an official Circular sent up by the Field Cornet Van der Nest a few days ago, having stated that they were supposed to be approaching the Winterberg, I thought it necessary for the safety of this Location to endeavour to procure some precise intelligence respecting the movements of these Marauders. On Friday last therefore I sent out a party of Bastard Hottentots towards the Winterberg, which is only about three hours ride from this place.

This party returned without any Intelligence. But Mr. George Rennie belonging to the party of settlers having volunteered to proceed in a more Northerly direction, I am enabled from the accounts he has just brought me to state the following particulars respecting the present position of these savages.

Mr. Rennie proceeded first to the Vee place of Diederick Muller upon the Swart Kei about five hours ride to the North East. Muller said that the Tambookies in his neighbourhood could give more accurate information than himself, and accompanied Mr. Rennie to one of their kraals situated a short distance from the Frontier across the Kei. Here they had a long conversation with the Tambookie Captains T'Quassa and Pawana through the medium of an Interpreter. These people said that the invading hordes whom they call Ficani or Fetcanees, had been roving about for a considerable time in their vicinity and had about two months ago defeated the united forces of the Tambookie King and Hinza with great slaughter, six of their principal Captains and a great number of Warriors having fallen in the battle. The engagement took place near a Mountain called by the Colonists Hanglip, and which, if I mistake not, belongs to the range of the Bamboosbergen. It is about eight hours ride from this place.

They said that the principal station of the Ficani is at a place called Soonie just beyond the White Key, but that they frequently send out plundering parties to attack the kraals of the Inhabitants sometimes openly by day, sometimes surprising them suddenly by night, that they not only carry off their cattle and corn, but massacre all who fall into their hands, men, women and children, that they are armed with a hooked weapon fixed on the end of a pole, and also with a Stabbing Weapon like a short assagay or spear. That they attack with exceeding boldness and fury, rushing on to close combat, through the showers of assagays which the Kaffer warriors poured in upon them, and that they are so swift of foot and so formidable from their numbers and ferocity, that the Kaffer Tribes now consider themselves quite unequal to engage with them.

T'Quassa and Pawana had lost many of their own people and cattle and had been obliged to abandon their habitations and cornfields. They pointed out many of the followers who had been severely wounded in the late battle and whose wounds were not yet whole. They added that unless they speedily obtained Military aid from the English Government they must on the first advance of the Marauders cross the Frontier line and fly into the Colony for their lives.

Being questioned respecting the supposed origin or native country of these Fecani they said they were informed by stragglers and fugitives, that these hordes had come from a country lying considerably to the North East, that they had been driven from their own land by a people of yellow complexion with black beards and long hair and who were armed with swords. This long haired people must certainly be the Portuguese, tho' it is odd they are not described as being armed with firearms rather than swords.

The Tambookies added that the Fecani were accompanied by their women and children, that some of their chiefs possess horses, that they are aware that they are now in the vicinity of the Colony, and that they intend to advance upon it as soon as they have finished with the cattle of the Tambookies. This design, tho' not unlikely, is probably stated in the present instance to alarm their visitors. They said however that the Fecani *are not cannibals*.

Such is the amount of the information obtained by Mr. Rennie.

Whether these hordes of savages can be identified with the Mantatees defeated two years ago by the Griquas, or whether they are the same with the wandering tribe called Kans by the Dutch Colonists I cannot presume to say.

You are probably aware that about 20 of this Tribe made a predatory incursion into the Colony six or eight months ago, and were pursued and slain by a Commando from the Tarka.

I have thought it my duty to forward the above information to you without delay, as well as to the Landdrost of this District, requesting in the name of my party that such measures as may be judged necessary for the protection of this location may be taken as speedily as circumstances will permit, for we are not only in a position extremely exposed to any enemy advancing from beyond the Winterberg, but if attacked are neither capable of making any effectual resistance nor possess sufficient means of suddenly removing our women and children to any place of safety. I have &c.

(Signed) THOS. PRINGLE.

To Captain Massey.

[Enclosure 8 in the above.]

MILITARY SECRETARY'S OFFICE,
CAPE TOWN, *June 9, 1825.*

SIR,—I am directed by his Excellency the Commander of the Forces to acknowledge the receipt of your letter of the 30th Ultimo covering a report from Lieut. Rogers of the Cape Cavalry of his Reconnaissance to the Tambookie Country and also a statement of Mr. Thomas Pringle addressed to Captain Massey. His Lordship has nothing to add to the Instructions contained in Lieut. Rutherfordord's letter of the 20th May and in my own of the 27th of that Month and of the 2nd of June, in which the General Policy to be pursued is closely laid down, and in which His Lordship specifies His approval of your movement to Fort Willshire.

It would be as dangerous as it would be impracticable for his Lordship to direct at this distance the details of the defence of the Frontier which (having specified the general Policy to be pursued) he must leave entirely to your discretion and guidance.

Mr. Pringle states that he has reported the Information he has acquired to his Landdrost, who will of course take the necessary measures of defence, when they shall become required, in communication with Captain Massey.

His Excellency cannot but think that there appears a great want of exertion and spirit amongst the Caffers under the Impression that they will be defended by his Majesty's Troops, it is of importance therefore that they should be roused from their Apathy by being assured that their safety must depend on their own exertions.

Having referred to Lieut. Colonel Somerset by His Excellency's Commands that part of your letter of the 9th Ultimo which relates to be granted to the Kaffers for Grazing their Cattle, I have the honor to enclose a Copy of that Officer's reply thereto, and I am to request that you will turn to the annexed Extract from the Instructions for the Commandant on the Frontier handed over to you on your succeeding to the Command, and in which you will perceive that this measure is entirely left to your own discretion. I have &c.

(Signed) CHAS. A. FITZROY, Military Secretary.

Major Forbes, Commanding the Frontier.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LIEUTENANT COLONEL BIRD.

CAPE TOWN, 30th July 1825.

SIR,—Having observed in the Preamble of the Proclamation of the 23rd May 1823, copy of which we have the honor to enclose, that the expediency of providing Protection and support by means of new apprenticeships for the Infant children of Prize Negresses whose terms of servitude had expired, is declared to arise from the inability of such Females to provide for their own maintenance and for the support and proper Instruction of their Infant Children, as well as upon the remuneration to which their Masters and Mistresses were considered to be entitled for the expenses and loss of labour incurred during the periods of pregnancy, we have the honor to request that you will inform us whether this consideration was founded upon the experience of benefits derived by the mothers of Hottentot children under the Laws that regulate their domestic condition, or upon any facts that may have been proved to the satisfaction of the Colonial Government, or that are now collected or detailed in Records of the offices of the Chief Secretary to Government? We also beg leave to request your information as to the distinction observed in the duration of the apprenticeships of the children of Prize Negresses and those of the children of Hottentot women, or of unprotected and orphan children, the terms being 13 years in the former instance and only 10 in the latter. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from the late Bookkeeper of the Printing Department to the Secretary to Government.

CAPE TOWN, July 30th 1825.

SIR,—I have the honor to acknowledge the receipt of your Letter of the 28th Instant on the subject of the Fees received

at the Printing Office for Translations of Advertisements sent by Individuals for insertion in the *Government Gazette*, and in reply to inform you that shortly after my appointment to the Bookkeepership the Assistant Secretary to Government intimated to me verbally, by order of the then Colonial Secretary, that those fees were in future not to be accounted for to Government. I have &c.

(Signed) J. G. BRINK.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 31 *July* 1825.

MY LORD,—I had the honor on the 29th ultimo to receive Your Lordship's Dispatch dated 20th November last, relative to the charges in the Contingent Expenses of this Government for the repairs of the Government Buildings at Newlands, and referring to your Lordship's Dispatch on that subject of the 2nd July 1822, requiring an Estimate of the Expence. I was not honored with the receipt of that Despatch until the close of the year 1823, at which time the rebuilding had been effected, but in consequence of no person being employed to watch the progress of the Building when I was absent in England, (the Inspector of Government Buildings Mr. Melville to whose strict charge I had committed it, having very shortly after my departure, received Eighteen months leave of absence to proceed to the Griqua Country) the work was badly executed and much dissatisfaction and dispute arose between the Government and the Builder after my return here, respecting the workmanship. In the midst of this, the Tempest in July 1822 occurred and devastated all the outbuildings (which had been entirely neglected for three years) and generally injured the new building; the Roof leaked, the Colonnade (which went round the House, it having no upper story) so nearly fell in as to render it necessary to take it down and rebuild it, to prevent its endangering the House; and the Builder declared that his Contract had been infringed and annulled by being ordered by the Government, when I was in England, to

prepare a certain portion of the House for the Reception of the Acting Governor, in so hurried and superficial a manner as to render it necessary to do the work again.

All these circumstances, My Lord, rendered it difficult, if not impossible, to transmit to Your Lordship any genuine Estimate of the Expence, which, had this work been properly watched, certainly would not have been so large; indeed the original Estimate, Copy of which is enclosed, made before the work was commenced, only amounted to Seventy Two Thousand, one Hundred and Twenty Six Rixdollars, but I thought it needless to send this Document Home to your Lordship, when I found the amount had been so greatly exceeded.

Not therefore being able from the causes above stated, to furnish Your Lordship with a genuine Estimate, I considered that it would be satisfactory to Your Lordship in transmitting the amount of the whole expenditure of the Department of the Inspector of Government Buildings for various Services in which the rebuilding of Newlands is included from November 1819, to the present time, to be assured that the Buildings were not more extensive than was necessary, and that no Expence had been incurred for Ornament or Embellishment.

I therefore addressed a letter to His Majesty's Commissioners of Inquiry, of which the annexure No. 3 is a Copy, and No. 4, their Reply, which will I trust satisfy Your Lordship, and induce You to sanction the Expence which has unavoidably been incurred.

The outbuildings have now undergone a thorough repair, and I do not anticipate any further Expenditure other than the trivial casual repairs to which all Buildings are liable, more particularly in this climate. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE TOWN, 30th September 1819.

SIR,—I beg leave to enclose herewith, an Estimate of the Expense of Carpenters and Masons work, including the materials therein specified, for rebuilding the Government House at

Newlands, amounting to the Sum of Seventy Two Thousand, one Hundred and Twenty Six Rixdollars, which I have examined, and to which I have affixed my Signature for His Excellency the Governor's Approval. I have &c.

(Signed) JNO. MELVILLE.

H. Ellis, Esq., Deputy Colonial Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 31st July 1825.

MY LORD,—I have the honor to submit to Your Lordship's favorable consideration Copy of a letter from the Landdrost of the new District of Somerset, with the enclosed Extract from the proceedings of the Board of Landdrost and Heemraden of that District, praying that a Church may be erected for the benefit of their encreasing population, and pointing out the means by which the Expence thereof may be borne. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

SOMERSET, 9th July 1825.

SIR,—We beg leave to enclose an Extract from the Records of the Board of Landdrost and Heemraden of this district with request that you will be pleased to submit the same to the favorable consideration of His Excellency the Governor.

We have &c.

(Signed) WM. M. MACKAY, Landdrost.

By order of the Board.

(Signed) M. J. VAN NULDT ONKRUYDT, Secretary.

Sir Richard Plasket, Secretary to Government.

[Enclosure 2 in the above.]

*Extract from the Records of the Board of Landdrost and Heemraden
of Somerset.*

Saturday, 9th July 1825.

Present W. M. Mackay, Esquire, President, and Messrs. Robert Hart, Paul du Plessis, and Anthony Botha, assumpto the Secretary to the district.

The Board having taken into consideration the encreasing population of the Village and the neighbourhood, there being at present about Sixty heads of Families proprietors of Erven in the Town, and believing that should a Church be erected a congregation of from five to Six Hundred Individuals would regularly attend the performance of Divine Service and treble that number on Sacramental occasions.

Resolved, That His Excellency the Governor be humbly prayed to sanction the Building of a Church at Somerset, and which the Board conceive may be effected without any advance from Government, provided His Excellency will be pleased to admit of raising a loan at Interest for such Sum as may be required after the amount of private contributions (which is expected to be very liberal) shall have been expended, and which the Board has reason to suppose may be procured from Individuals within the District, or that a part of the proceeds of Erven lately sold in the Village may either be granted to the Church, or lent for a certain number of years on Church Security. And the Board estimate the Expence at a Sum not exceeding £3,000 or Rds. 40,000.

Resolved, that an Extract hereof be laid before His Excellency the Governor, with a humble prayer that His Excellency may be pleased to sanction that, so very necessary and desirable an Object may be carried into effect.

A true Extract.

(Signed) M. J. VAN NULDT ONKRUYDT, Secretary.

[Copy.]

Letter from LIEUTENANT-COLONEL BIRD *to the* COMMISSIONERS
OF ENQUIRY.

LIESBEEK COTTAGE, 31st July 1825.

GENTLEMEN,—In reply to your letter of yesterday transmitting to me a copy of a proclamation dated 23rd May 1823, and requesting information relative to certain points arising out of the consideration thereof, I beg in the first place to refer you to the reply given by me to the 17th query proposed to me on the 21st April last, and I have further the honor to say that it is not in my recollection to have prepared the proclamation in question. I believe I did not prepare it, but think that it was drawn up under the inspection and by the advice of Mr. W. Bird, Comptroller of Customs, who it is understood, was Lord C. H. Somerset's confidential adviser at that period, and had moreover previously had the chief management of the Prize Negroes and Negresses, and the Acts of Parliament having placed them exclusively under the control of the Customs Department.

I am also to observe that without access to the records of the time I find it impossible to give the information you solicit

I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* MR. BISHOP BURNETT.

DOWNING STREET, 31st July 1825.

SIR,—I have received your letter of the 27th Inst., in which you enquire the result of your last application for permission to return to the Cape of Good Hope, and having communicated the same to Lord Bathurst, I am directed to acquaint you in reply that his Lordship does not consider it necessary to add anything to the communication which I addressed to you by his Lordship's desire on the 12th Inst. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 1st August 1825.

MY LORD,—With reference to the Instructions which I have had the honor of addressing to your Lordship on the subject of the formation of a Council at the Cape of Good Hope, I now beg to acquaint you that I have appointed Mr. Dudley Montagu Perceval to be Clerk of the Council, and I am to signify to your Lordship His Majesty's pleasure that on Mr. Perceval's arrival at the Cape, you will place him in the execution of the duties of that office assigning to him a Salary of Eight Hundred Pounds per annum, with such other advantages as he may be entitled to, in right of the same. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 1 August 1825.

MY LORD,—The pecuniary difficulties which the encreasing Expenditure and the constantly diminishing Revenue of this Colony have brought on, have caused me to look with much anxiety for some communication from Your Lordship in reply to the Despatch I had the honor to address to Your Lordship on the 31st January 1824, No. 70, transmitting to Your Lordship an Estimate for the Expences of erecting Schools, &c., &c., together with a Statement of the annual Expenditure of those Establishments, in the hope that His Majesty's Government would obtain a grant from Parliament to defray these Expences agreeably to an Expectation held out in Your Lordship's Despatch (Circular) dated 9th July 1823.

I take the liberty of transmitting an Extract of the Despatch alluded to, and beg to be pardoned for repeating an earnest hope that a Grant to meet this Expenditure may be obtained.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

*Extract of a Circular Despatch from the RIGHT HONORABLE
EARL BATHURST to HIS EXCELLENCY LORD CHARLES
HENRY SOMERSET, dated 9 July 1823.*

It would be superfluous to insist upon the indispensable necessity of religious instruction as the foundation of every beneficial change in the character and future condition of the Slaves, so deeply indeed is His Majesty's Government impressed with this truth, and with the necessity of maintaining an adequate number of Clergymen and Teachers throughout the West Indies under Episcopal controul, that if it shall appear that the Revenues of the Colonies are insufficient for this purpose, they will not hesitate to apply to Parliament for such pecuniary Grants as may be necessary for supplying the deficiency. Nor can they doubt that the anxiety which has been manifested by the Legislature, and by the public at large, for the welfare of the Slave population, will induce Parliament cheerfully to contribute such funds as may be required for effecting this important object. But this disposition must be met on the part of the Assembly by a Legislative provision for the abolition of Markets on the Sunday, and the substitution of some other time for that purpose, so that the Sabbath may be appropriated to the purposes of rest from labour, and of moral and religious instruction. Unless the time withdrawn from the Market were employed in the more becoming occupations of the day, it would too probably be passed by the Slaves without benefit to themselves, and perhaps with material detriment, if not danger, to the community. The immediate abolition of Sunday Markets is not insisted upon until the means of religious instruction shall have been provided. But His Majesty's Government will not recommend to Parliament the Grant of any pecuniary assistance towards the expence of a religious establishment, in any case in which the abolition of Sunday Markets and the substitution of some other day for that purpose, shall not have been prospectively secured.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 2nd August 1825.

MY LORD,—I have had the honor to receive your Lordship's dispatch dated the 14th of May last reporting the measures which you had adopted for carrying into effect His Majesty's Instructions for the formation of a Council at the Cape of Good Hope. And I have in reply to signify to your Lordship His Majesty's most gracious approbation of the course which you have pursued on this occasion.

As it appears to have been the practice in the greater part of His Majesty's Colonial Possessions in which a Council has been established to permit the Members thereof to assume the appellation of "Honourable," I see no objection to that Title being given to the Members of Council at the Cape, and your Lordship will grant to them the necessary permission for that purpose.

As Mr. Perceval will proceed very shortly to the Cape to take upon him the duties of Clerk of the Council, it is not my intention to withhold my approbation of the temporary arrangement which you have adopted in regard to this Office.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 2nd August 1825.

MY LORD,—I have the honor to transmit to your Lordship a Copy of a Memorial from Mr. Thomas Rowles, praying relief from the effects of the Ordinance of the 6th of June last, for making British silver money a legal tender in discharge of all debts due to individuals and to the public, at the rate of one shilling and sixpence for each paper rixdollar.

I am induced to transmit this Memorial to your Lordship,

as I do not feel that I can, consistently with what is due to the interests of any individual, withhold from your Lordship the loss supposed to be sustained from the effects of the Ordinance.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Auditor General to the Secretary to Government.

AUDIT OFFICE, 2nd August 1825.

SIR,—Referring to your letter of the 28th Ultimo desiring me to acquaint you for the information of His Excellency the Governor why the receipts for Translations of advertisements in the Printing Department have since the end of July 1819 not been credited in the Bookkeeper's Account, I have to state that on my perceiving that no Translations had been brought to account after that period I desired my 1st Clerk to call on the then Bookkeeper, by whom he was informed that he had received a verbal intimation from the then Assistant Colonial Secretary that the amount received for Translations in the Printing Department were in future not to be accounted for to Government. I have &c.

(Signed) WALTER BENTINCK, Auditor General.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 3rd August 1825.

MY LORD,—Since I had the honor of addressing your Excellency on the 30th December last, I have received the enclosed Memorial from the Directors of the London Missionary Society, with the contents of which I think it right your Lordship should be informed in addition to the Statements which have been already transmitted to you ; and I have to request that

your Lordship will take an early opportunity of submitting this Paper for the consideration of the Commissioners of Enquiry, together with the former communications which I have addressed to you on the same subject. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 4th August 1825.

MY LORD,—I have the honor of enclosing a copy of a letter which I have received from the Master General and Board of Ordnance, and I trust that your Excellency will not be again betrayed into such irregularities. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 4th August 1825.

MY LORD,—Our attention having been drawn to the grant of 10,000 acres of land at the Kakaberg conferred by the Acting Governor, Sir R. Donkin, in December 1820, upon Mr. Stockenstrom, we have the honor to request that your Lordship will be pleased to inform us whether any instructions may have been received from Earl Bathurst, since your Lordship's return to the Colony, relative either to that grant, or generally to the lands situated between the Fish River and the Keiskamma.

We are aware that your Lordship originally proposed that the occupation of the lands immediately on the frontier of Caffre Land should be suspended, at least until the disposition and habits of the Caffres should be sufficiently changed to render the settlement of it safe and expedient, and we should

be desirous of understanding from your Lordship what may have been the result of your observations upon this subject during your late visit to the frontier, and whether it may be in your contemplation to recommend to Earl Bathurst the adoption of any measure for the future disposal of those lands, or the reservation of them under the system of defence which your Lordship had established.

With respect to the grant conferred on Mr. Stockenstrom, we request that your Lordship will inform us whether in the late arrangement it has been considered within the limits of the District of Albany or of the New District of Somerset.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 5th August 1825.

MY LORD,—With reference to that part of your Lordship's dispatch No. 160 dated the 31st of March last in which you report the removal of Mr. Rivers from the Landdrostship of Albany to that of Swellendam, I have the honor to acquaint you that having observed the very serious charges which have been brought against Mr. Rivers in a Pamphlet which has lately been transmitted to this Office, I do not feel at liberty to hold out any expectation of the confirmation of Mr. Rivers' appointment, unless he should be enabled to clear himself most satisfactorily from the charges which have been brought against him in that publication.

As your Lordship has not either in the dispatch which notified Mr. Rivers' removal from the Landdrostship of Albany, where the fraud is stated to have been committed, or in any preceding dispatch, ever adverted to this charge, I am willing to conclude that it has not been brought under your consideration, I therefore enclose an Extract from the pamphlet which more immediately refers to the charges in question, and your Excellency

will not fail in immediately calling upon Mr. Rivers to answer the additional imputations which have been thrown upon his character by the publication in question, in order that his vindication may be transmitted home for my consideration.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

GOVERNMENT HOUSE, CAPE TOWN, 5th August 1825.

GENTLEMEN,—In reply to your letter of the 4th instant, I do myself the honor to inform you that I have not received any instructions from Earl Bathurst, since my return from England, relative to the lands which comprise the Territory ceded by the Kaffers in October 1819.

The result of my observations, in my late visit to the frontier, confirms me in the opinion that it is expedient to continue the measure of non-occupancy of the land between the Great Fish River and the Keiskamma and Chumie Rivers, with the exception of the land (which includes also Mr. Stockenstrom's Grant, to the westward of the Koonap, which I have thrown into the new formed (or Somerset District) thereby forming nearly a direct line of Boundary from the Kakaberg to Fort Willshire.

This land I have directed to be measured in lots not exceeding two thousand acres each, in lieu of six thousand acres (the usual extent of grants in the Colony). As the land is good I should have confined the extent still more, had there been a more frequent supply of water.

As I consider the concentrating a population in the Somerset District a measure which promises great future benefit, I cannot but deeply lament that so large an extent of land as that given to Mr. Stockenstrom should have been alienated to one individual, more particularly as the whole is most valuable land, easily irrigated by the Kaka River, and comprising also an extensive forest of fine timber from whence I understand

building timber is carried to an immense distance to the northward.

As yet little or nothing has been done on this fine grant.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from J. W. CROKER, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 5 August 1825.

SIR,—I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Earl Bathurst, a Copy of a Letter addressed to Commodore Christian by Captain Moorsom of His Majesty's ship *Andromache*, relative to the situation and trade of the several settlements and Territories within the Naval Station of the Cape of Good Hope. I am &c.

(Signed) J. W. CROKER.

[Original.]

Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.

LONDON, August 5, 1825.

SIR,—With reference to your enquiries as to the number of Persons in my family about to proceed with me to the Cape of Good Hope, I have the honor to annex a list comprehending also such Servants as I propose to take out. I have &c.

(Signed) RICHD. BOURKE, M. General.

Mrs. Bourke,
Three Misses Bourke,
Two Maid Servants,
M. General Bourke,
Major Ryan, A.D.C.
Mr. Percival,
Three Men Servants,

[Office Copy.]

Letter from R. W. HAY, ESQRE., to Mr. W. A. HANKEY.

DOWNING STREET, 5 August 1825.

SIR,—I beg to acknowledge the receipt of your letter of the 23rd ultimo addressed to Mr. Horton enclosing copies of a Pamphlet containing the different correspondence which passed relative to Dr. Philip's conduct at the Cape, and having laid the same before Lord Bathurst his Lordship has directed me to thank you for your communication. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from ANDRIES STOCKENSTROM, ESQRE., to the
COMMISSIONERS OF ENQUIRY.*

GRAAFF REINET, 5th August 1825.

GENTLEMEN,—Acknowledging the receipt of your Letter of the 27th ultimo relative to the Land granted to me by His Excellency Sir Rufane Donkin, I have to thank you for the candour with which you are pleased to call for the explanation therein stated, and which I hope ever to be able to meet with equal openness, under the thorough conviction that (tho' I am fully impressed with a knowledge of my liability to error) I have never wilfully gone astray from the principles which ought to guide an Individual in any public situation. Minute scrutiny I shall ever court ; both law and equity may condemn, but the liberal unbiassed construction of our actions which we have learnt to expect from you, Gentlemen, cannot but inspire confidence even under a consciousness of mistake. How much the more so, when we are called to account for deeds of which we think we may be proud ?

I do not therefore wish to miss a post in acquainting you in reply to that part of your letter desiring to be informed of the date of the communication to me of His Majesty's pleasure

imposing a restriction upon the employment of Slaves in all grants of land to be made on the frontiers of Caffreland subsequent to the receipt of the despatch of Earl Bathurst of May 1820, that up to this present hour I have received no such communication, and I am ready to make solemn Oath that your Circular Letter of the 23 February 1824 gave me the first intimation of there being any order in existence containing said Restriction, so that it was quite impossible that when said grant was made to me, I could have been aware of His Majesty's Commands.

These asseverations however are almost unnecessary, as by mere reference to the Colonial Office you will find that said commands were never communicated to me.

This much, Gentlemen, I trust will suffice to remove from the mind of Earl Bathurst and your own, the impression you mention, but I have no desire to stop here, no earthly reason to wish to leave you ignorant of anything connected with said Grant, and shall therefore readily avail myself of your offer to receive an explanation of the circumstances under which it was made, tho' the short time now at my disposal obliges me to postpone this task till next week, when I hope at least to convince you that any unfair means to procure ample provision for myself and friends, in Land or otherwise, either from the present, or late Acting Governor would have been superfluous, and in how far I have abused that advantage the circumstances of my connections and the public Records will show.

I have &c.

(Signed) A. STOCKENSTROM.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 6th August 1825.

MY LORD,—I have the honor to introduce to your Lordship's notice, the bearer of this letter, Mr. Nichol, whom Mr. Perceval, Clerk of the Council at the Cape of Good Hope, was desirous

to have nominated his Clerk, but as from the difficulty of judging (previous to Mr. Perceval's commencing his duties) whether the multiplicity of business devolving upon him would authorise such an appointment, it has been thought advisable not to accede to this proposition. I beg to recommend Mr. Nichol to your Lordship for an appointment to the first situation of about £150 a year which may fall vacant under your Lordship's Government. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the SECRETARY TO GOVERNMENT *to* LIEUTENANT COLONEL BIRD.

COLONIAL OFFICE, 6th August 1825.

SIR,—Having had occasion to inquire into the nature of the Fees collected in the Government Printing Office, and more particularly in regard to those levied for translation of Advertisements sent for insertion in the *Government Gazette*, I have not been able to discover, either by the Report of the Superintendent of the Printing Office or by that of the Translator, the authority under which the Fees for translation are collected and divided between those two Officers.

On referring to the Official Records of Government it appears that shortly after the receipt of a Dispatch from His Majesty's Secretary of State, signifying the pleasure of His Majesty's Government that all Fees levied in the Public Offices should be in future carried to the account of Government, a communication was made by you to the Superintendent of the Printing Office on the subject, and by subsequent letters from you to that Officer and to Mr. Blane, the Government Translator, under date the 8th and 10th May 1809, Instructions were given that all the Receipts for Translations should be carried to the account of Government, and that the Government Translator should translate all the Advertisements for the *Gazette*, and an increase of Five hundred Rixdollars a year was made to his Salary as a remuneration for this extra labour.

From this period the Receipts for the Translations were regularly brought to the credit of Government in the Accounts of the Bookkeeper of the Printing Office until the end of July 1819, when Mr. Buissinne was appointed to act as Translator to Government, and from which time the Receipts of the Translations were no longer carried to the Credit of Government, or entered in the accounts of the Bookkeeper of the Printing Office, nor is there any public Document in this Office to shew the cause of this alteration, though by the enclosed letter from the then Bookkeeper, it appears that it was done by your verbal Orders conveyed through the Assistant Colonial Secretary.

These Receipts were then divided as Fees between the Superintendent of the Printing Office and Mr. Buissinne, and as this arrangement was exactly in opposition to the Instructions of His Majesty's Government, and which (as is above stated) were officially conveyed to the Superintendent of the Printing Office and the Government Translator in your letters before alluded to, and as there appears to be no public Document for cancelling such Instructions or for making the arrangement in question, I have to request that you will be good enough to afford me any explanation upon this subject that it may be in your power to give. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the* SECRETARY TO GOVERNMENT.

LIESBEEK COTTAGE, 7th August 1825.

SIR,—In reply to your letter of yesterday I have to inform you that subsequent to the Orders given to the late Mr. Ross, to which you refer, I remember his having represented to my Predecessor that the translations of advertisements from English into Dutch which the Merchants called upon him to make did not come under the head of fees ; but that as it was

optional with them either to furnish their own translations or to procure them to be done by other translators, such translations he considered he ought to be allowed to make on his own account, as well as any other translator, and I remember this reasoning having been admitted. Mr. Ross, long subsequently employed Mr. Buissinne to do these translations for him, and gave him half this private emolument. Mr. Buissinne was not appointed (as far as I know) translator to the Printing Office, but he had been admitted as a Sworn translator, and his arrangement with Mr. Ross was a private one.

I am not aware of the agreement which existed between Mr. Buissinne and Mr. Ross, nor of that which existed between the former and Mr. Richert, nor do I remember to have given, or admit that I gave, any orders such as Mr. J. Brink alludes to. I understood that the charge made for translations from English into Dutch at the Printing Office was the same as that of other translators. I have &c.

(Signed) C. BIRD.

Mr. Stoll may perhaps be able to give you more insight into this than I can from Memory.

(Signed) C. B.

[Original.]

Letter from THOMAS PRINGLE, ESQRE., to the COMMISSIONERS OF ENQUIRY.

GRAAFF REINET, August 7th, 1825.

GENTLEMEN,—With reference to my letter of the 5th instant, I beg leave to revert, in the first place, to the denial of His Majesty's Fiscal *to the existence of any search warrant in which my name was inserted.* And, as I consider it of some importance to ascertain the exact truth on this point, I request your indulgence while I briefly recapitulate in writing the circumstances I have formerly communicated to you verbally in various conversations on this subject, with such additional facts as may help to throw light on the question at issue.

At the time when the private papers of Messrs. Greig, Burnet and others were examined by the Fiscal, on suspicion of those persons being implicated in regard to the alleged infamous placard of June 1, 1824, a *rumour* prevailed in Cape Town that my house and papers were also to be searched. This rumour I at first entirely disregarded; having never been privy to anything of an improper or illegal description, I could not conceive that my name could possibly be associated with such a villainous concern, or that my character as a man of strict honour and loyalty could be called in question even by the agents of the Colonial Government. I was not a little startled therefore on being one morning confidentially informed by a person in the service of Government that the Fiscal was actually in possession of a warrant signed by His Excellency the Governor authorizing him to search my house and papers, and that it was not improbable that this warrant might be executed that very day.

My informant declined mentioning the source whence he derived this intelligence, but *asserted* his *belief* in the *truth* of it in very strong terms; and as he was a person to whom I had more than once been of some little service, and who was at that time in habits of familiar intercourse with my family, I could not doubt his sincerity, or conceive him actuated by any but friendly motives. It happened that Mrs. Pringle was at that time in such a weak and precarious state of health that the agitation likely to be excited by a sudden intrusion of the officers of Justice into my house might have been attended with the most calamitous consequences. This circumstance was well known to my informant, and was mentioned by him to me as his chief inducement in incurring some risk to himself, in order to enable me to anticipate or ward off the intended search.

On receiving this information I went immediately to Mr. Denyssen, the Fiscal, mentioned to him the report I had just heard, and begged to know whether any such warrant actually existed in reference to me or not. The Fiscal replied "that if it *did* exist, it was not his duty to inform me of it." I said however that might be, I could not conceive how it could be his duty to keep me in suspense and alarm on the subject if no such thing existed, and that I expected of him both as a Magis-

trate and a man of humanity to say so plainly, if he could consistently with truth, and thereby at once relieve my mind from the torturing apprehension of having my private papers ransacked, my public reputation endangered, and my sick wife alarmed and agitated by the rude intrusion of the officers of Justice. To this reasonable request the Fiscal refused any satisfactory reply, and his whole conduct on this occasion decidedly confirmed my faith in the correctness of the intelligence I had received.

From the office of the Fiscal I proceeded, Gentlemen, to yours, and made an urgent appeal for your protection and advice. I need not repeat what passed during that interview, as both yourselves and also Mr. Gregory, if I mistake not, were present, and cannot have forgot the substance of our conversation.

Agreeably to your recommendation I immediately, on returning home, addressed a letter to the Fiscal, offering to submit all my papers to the examination of any honorable man whom he and I could mutually agree upon. I received in reply a summons to appear next morning before a Commission of the Court of Justice, in order to undergo a judicial examination as to the source whence I had obtained my intelligence respecting the Search Warrant. Of the above letter and the Fiscal's reply to it, I transmitted copies to you at that time.

Next day, in obedience to the Fiscal's summons, I appeared before the Court; but before doing so I again saw my original informant, again received from him renewed assurances of his belief that his information was well grounded, and obtained his consent, (though yielded with some reluctance), that if interrogated upon oath I might state his name to the Court.

Being called into the Hall of Justice, I found myself placed before Mr. Bentinck, Mr. Denysen, the Fiscal, and the Deputy Fiscal Lind. An oath was administered to me by Mr. Bentinck, and a clerk (whose name I do not know) attended to write down my deposition. I stated without hesitation the *nature* of the intelligence I had obtained, assured the Fiscal upon my oath and honour that my informant was not any person connected with his office, and added that the indirect and somewhat vague character of my information had left on my mind

considerable doubt of its accuracy, until that doubt was removed by the evasive answers and equivocal conduct of the Fiscal himself, that I should certainly decline giving the name of my informant unless it could be clearly shewn to me that I was bound by my oath to do so, and that therefore I now solemnly called on Mr. Bentinek as a Judge and a Gentleman to declare to me whether or not he believed me to be so bound. Mr. Bentinek, in reply to this appeal, assured me upon his honour that he did consider me bound by oath to state the name of my informant, to enable the Fiscal to ascertain whether any person connected with his department had betrayed official secrets, and he added that the legal penalty of a refusal on my part to comply with this demand was imprisonment for contumacy till I should yield compliance. I said it was luckily unnecessary to push matters that length at present, as I was prepared to satisfy them on that point, but that I did nevertheless consider the course now taken by the Fiscal as a very extraordinary one, and that I reserved to myself the right of hereafter adopting such legal course as I might judge expedient for obtaining redress. The Fiscal said something in a menacing tone about "perhaps taking further measures in regard to the *very official* letter I had addressed to him the preceding day." *That*, I replied, he was most welcome to do, and before retiring I again challenged him in presence of the Court to declare, *if he could*, that my information as to a Search Warrant existing against me was *not well grounded*? Mr. Denysen kept an ominous silence and permitted me to leave the Court confirmed in my opinion. If my information was false, what good purpose could be served by thus confirming me in error?

By referring to the records of the Court of Justice you will probably obtain more complete and accurate details of this examination than I can now furnish entirely from memory. I saw at least a Secretary employed to write down my deposition. Having none of my papers at hand, I cannot state the exact date of this transaction, but you may readily ascertain it by referring to a note which I addressed to you respecting it a day or two afterwards.

I subsequently learned that some correspondence ensued between the Fiscal and my informant relative to this affair,

and that the latter was severely taken to task by Lord Charles Somerset for giving me this information, but my information on those points is I own rather indistinct and dubious.

I have refrained from mentioning the name of my informant to *you*, Gentlemen, because he refused granting me his consent to do so on a former occasion ; yet as he has made no great secret of his agency in the matter generally, you will find no difficulty, I should think, in ascertaining it, if of any consequence, from other sources.

In regard to him, I shall only farther add that since that time he has on more than one occasion assured me that his information was derived from no erroneous source, and was *not* false, whatever might be alleged by the Fiscal or anyone else to the contrary. His *authority* however he has never named to me.

My confident belief, however, in the existence of a Search Warrant aimed against me does not rest entirely on the reiterated assurances of this individual, and the very equivocal conduct of the Fiscal. A person who, I have reason to think, possesses far better access to matters of official secrecy than my original informant has subsequently assured me that I was *not* far mistaken in that belief, although Lord Charles and Mr. Denyssen might venture to deny "the insertion of my name" in any search warrant, without direct falsehood. The following, he said, he had reason to believe were the actual facts of the case.

A warrant, with a blank left in it for names afterwards to be inserted as circumstances might render expedient, was put into the hands of the Fiscal, to whom a list of suspected or obnoxious persons was at the same time delivered. In this list stood my name, Dr. Philip's, and some others not mentioned to me. These names it is said the Fiscal was authorized to insert or withhold at his discretion ; and it *may* therefore be doubtful whether my name was ever actually "inserted in the warrant." This list and warrant are said to have been destroyed immediately after my appeal for your interference.

This account of the affair I have, if I mistake not, formerly mentioned to you. I cannot at present name my authority ; but by return of post I expect either to be authorized to do so, or be enabled to furnish you with some clue that shall lead

directly to the bottom of this mysterious maze of deceit and contradiction.

I come now to the extraordinary declaration of the Chief Justice, that during my interview with His Excellency Lord Charles Somerset, of which he was a witness, "nothing fell from his Lordship which could be considered severe or insulting, or that could be supposed to affect my character."

Now, though I certainly did not anticipate much impartiality or independence in the evidence of Sir John Truter in a case between myself and the Governor, more especially as Sir John had obviously been selected by His Excellency to be present as a witness on that occasion, for purposes I apprehend far from friendly towards me, yet I own I was not quite prepared to expect from him the extraordinary declaration you have communicated to me. Such a direct contradiction of my statement from the only third person present does certainly afford Lord Charles some advantage over me in that point, since I can only oppose to it my own solemn affirmation of the truth of that statement. But at the same time I beg you to bear in mind, Gentlemen, that my account of that interview was written and sent in to you almost immediately after it took place, under the belief that its correctness would not fail to be rigidly investigated by you, and that I might be immediately confronted, in regard to the facts, with Sir John Truter and Lord Charles himself. Indeed could I have foreseen the course that things were to take, I should have most certainly then requested you to take Sir John's evidence upon oath in my presence, before his recollections had time to cool or he had lost the lively impression of Lord Charles Somerset's actual language and demeanour. But fifteen months have since elapsed, and I am too well aware of the remarkable obtuseness of memory and pliability of conscience which characterize the generality of Cape functionaries, to look for much advantage to my cause from such an examination now. All that I can do farther therefore in regard to this point is to request you to consider my account of that interview (incorporated into the statement on the subject of the Press which I addressed to you on the 2nd June 1824) as a document to the truth of which I solemnly adhere, and am ready to support by affidavit whenever opportunity offers.

Before parting with the Chief Justice, however, I have still one or two remarks to offer. If there was, as he alleges, nothing in the conduct of Lord Charles Somerset towards me on that occasion "which could be considered severe or insulting," my conduct in starting from my seat during his Lordship's address to me, and indignantly reminding him "that I was a British subject," must have appeared to Sir John the height of insanity, and Sir John's *own* conduct, in carefully averting his face from my glance at that time and during all the rest of the interview, must have arisen, I presume, from his horror at witnessing such insane demeanour ! It is sufficiently evident at least that Sir John's ideas of what can be considered "severe or insulting" are somewhat different from mine, since I felt myself under the necessity of resigning my humble appointment of Sublibrarian in consequence of his Excellency's taunting reproaches, while Sir John still holds his high dignity of Chief Justice, after enduring, if reports be true, far more humiliating insults than I have complained of. In saying this I mean to throw out no vague insinuation. I especially allude to one occasion when Sir John tamely submitted to an insolent and menacing message from the Colonial Government respecting his conduct as Chief Justice. And yet he felt the indignity enough to mention it afterwards "with tears in his eyes." The particulars of the affair I refer to, you are, if I mistake not, already acquainted with. If not you can obtain them from my informant Mr. Benjamin Moodie.

But to expose the Chief Justice any further than is requisite in defence of my own veracity is no object of mine. I cannot help pitying persons of his description even more than I despise them. His sycophantish and time-serving character has been of late but too frequently displayed, and on no occasion more miserably than in regard to the South African Literary Society, which, while he so cordially professed to approve, he meanly deserted at the frown of Lord Charles.

But I have done with Sir John Truter, Gentlemen, by offering you simply my affidavit to weigh against his declaration.

This affair of my interview with Lord Charles is, however, in my own apprehension, but of secondary importance in my case ; and though I have no copy of my letter to Earl Bathurst at hand to enable me to refer to my express words, I am yet

pretty confident that I have not grounded my claim for compensation, in any prominent degree, upon his Lordship's conduct to me on that occasion (intolerable as it was) or on the necessity it imposed on me of resigning my appointment of Sublibrarian. I adopted on that occasion, and in regard to the discontinuance of our Journal the only course which I thought I could pursue without either endangering my personal safety or compromising my honour and independence. Such was my conviction at that time, such is it still even more decidedly. But leaving for the present the two points referred to in your letter of the 29th July, I beg once more to solicit your particular attention to the manner in which I have been constantly calumniated by Lord Charles ever since the stoppage of our Journal, and in fact openly denounced as a factious and turbulent disturber of the Government. I shall not now detain you with general allegations or controvertible facts, but shall confine myself to two plain examples of which you can readily ascertain the truth by direct reference to the persons from whose lips I report them.

One of these is the declaration of Lord Charles Somerset to Mr. Advocate Cloete, that he was determined to thwart and oppose whatever Mr. Fairbairn and I were concerned in. This fact I have already reported both to you and to Earl Bathurst from Mr. Cloete's own statement to Mr. Fairbairn and myself.

The other is of more recent occurrence, and as it is altogether a striking illustration of Lord Charles Somerset's illiberal and vindictive spirit, I shall detail it minutely. Mr. Hart, late superintendent of the Somerset Farm, having waited on His Excellency at Graham's Town during his recent visit to the Frontier, to receive his Lordship's sanction to some measures connected with the breaking up of that establishment, made application in behalf of himself and of his assistant superintendents Mr. Devenish and my brother John Pringle, for permission to retain in their service certain prize apprentices until the expiration of their indentures. This application His Excellency readily granted so far as regarded Messrs. Hart and Devenish, but on the first mention of my brother's name he demanded with a flush of indignation "what claims John Pringle had to such a favour?" Mr. Hart stated that he had

been a very faithful and diligent servant to Government for four years, that the boy he solicited for him had been his domestic servant, was well treated, and so forth.

His Excellency replied that he presumed as soon as John Pringle was out of the pay of Government he would set himself to disturb and oppose constituted authority, like his brother Thomas, "a person" continued his Lordship, "who has done more mischief to the Government than any other in the Colony." Mr. Hart expressed his concern to hear this, but yet ventured to say that he was confident my brother at least had no concern nor any inclination to be concerned in such matters, and that even were it otherwise his education did not qualify him to intermeddle in political or literary affairs. "So much the better," exclaimed His Excellency, "the less education the better!"

In spite of this meritorious want of education, however, the application was finally refused, and the boy was taken away from my brother.

This characteristic anecdote I have repeated from Mr. Hart's verbal report of it to myself a few weeks ago. I have carefully avoided any exaggeration, but to be sure of the precise words you had best refer to Mr. Hart himself.

Now, Gentlemen, I shall not say a syllable to controvert the undisputed right of His Excellency to dispose of the Government Apprentices as he thinks fit, or presume to urge any claim of my brother in this respect as a meritorious servant of Government, in opposition to the claim of favourites whom his Excellency delighteth to honor with scores of such apprentices.

With points of this nature I have at present nothing to do. But I do humbly conceive that the *reason* assigned by his Lordship on this occasion for his marked unkindness towards my brother, his plan of visiting the political crimes of which he accuses me upon my innocent relations, and his open and inveterate denunciation of myself as a turbulent and factious person and a marked disturber of "the Government," are rather too bad to be tamely submitted to.

I do therefore respectfully solicit, Gentlemen, your rigid investigation into the truth of these stigmatizing declarations of Lord Charles Somerset in regard to me, as I consider them

unequivocal manifestations of that spirit of vindictive persecution of which I have especially complained to Earl Bathurst.

I shall, if possible, revert to the subject of the Search Warrant by next post. I have &c.

(Signed) THOS. PRINGLE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 8th August 1825.

SIR,—I am directed by Earl Bathurst to request that you will move the Lords Commissioners of the Admiralty to give the necessary orders for providing a passage to the Cape of Good Hope for Major General Bourke who has been appointed Lieutenant Governor of the Eastern District of the Cape of Good Hope, and whom it would be desirable to dispatch to that Colony the middle of this month. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. D. P. FRANCIS to R. W. HAY, ESQRE.

MALDON, ESSEX, August 8th 1825.

SIR,—I had the Honour of transmitting through Mr. Horton to Earl Bathurst a letter dated the 2nd ultimo respecting my Case and Claims upon His Majesty's Government for losses sustained by me under various Circumstances as a British settler in the Cape of Good Hope, and beg to be informed if his Lordship has been pleased to give any Directions upon the subject.

I also request the favour of being made acquainted whether the Commissioners' report has yet been received or not, and whether there has been any report upon my case.

I cannot refrain from requesting you will be pleased to call Earl Bathurst's attention to my Case, and trust that when his Lordship considers I have neither interfered or shewn a dis-

position to give unnecessary trouble by pursuing that line of conduct which others have, who may be similarly situated with myself, and that my Case has been upwards of two years made known to the Commissioners of Inquiry, and that my Memorial upon the Subject was presented to his Lordship so long ago as April last, His Lordship will not think me either importunate or unreasonable in requesting his Lordship will be pleased to come to some Determination upon the Subject, as the incessant expectation of a termination of this matter, together with the delay and suspension of all other pursuits, adds infinite Distress to those occasioned by the Circumstances before stated.

As I have on a former occasion stated both to Mr. Horton and his Lordship the distressing situation I have been thrown into by the various transactions contained in my case, I most earnestly solicit Earl Bathurst will be pleased to take the matter into his Early Consideration. I have &c.

(Signed) D. P. FRANCIS.

[Original.]

Letter from ANDRIES STOCKENSTROM, ESQRE., to the COMMISSIONERS OF ENQUIRY.

GRAAFF REINET, 8th August 1825.

GENTLEMEN,—Returning to the subject of my Communication of the 5th Instant, in order, according to your desire, to lay before you the circumstances under which a Grant of Land was made to me by His Excellency the late Acting Governor, I am sorry that I shall be under the necessity of taking up more of your valuable time than the case of an Individual may be supposed to deserve, more particularly as it will be impossible to give you a clear view of the affair, without adverting to, or quoting documents and communications which would come better from other quarters, and of which modesty would forbid the publication by me; but I trust that your love of justice and truth and the value you place on your own characters will plead for my solicitude to prevent, by all means in

my power, any slur remaining on mine, after so many years of anxious toil to get honestly through a career to which I knew myself unequal, but into which the tragic end of a Parent and the destitute state of his family drew me, contrary both to my expectation and wish.

The papers and documents to which I shall have to refer are in as far as concern the case in question not of a confidential nature ; nothing concerning the said Grant was intended to be secret or ambiguous, so that I am betraying no trust in explaining a case which was openly transacted, but as some of the extracts hereafter following are imbodyed in letters also containing unofficial subjects, foreign to that in question, the originals can never be given up, though I am ready in case of the least doubt to show them to you or any trustworthy person you may think proper to charge with the examination.

Having then engaged to show how totally unnecessary it was for me, towards procuring any favours the Colonial Government had it in its power to bestow on myself and friends, to resort to any means which I would not be at all times ready to own, I shall not weary you with the evidences of the favourable sentiments felt and expressed as well by the Earl of Caledon, as by Lord Howden in regard to my father, the late Landdrost of this District, and their desire to serve his family ; as ample proofs can be adduced thereof, not only by public and private documents but also by witnesses still living. I shall at once come to a period when I had been near Seven Years a Magistrate in the Graaff Reinets and Cradock Districts, and when His Excellency the present Governor was pleased to express himself in the following terms by Letter dated 1 January 1819, in consequence of my thanking His Excellency for the appointment of a Brother to a Situation for which I thought him much too young and inexperienced.

His Excellency then was pleased to say : " I feel by no means to merit the warm expressions of gratitude you have used towards me. I can assure you that any little mark of my esteem that I have shown to you or your family has arisen from the most conscientious motives, not only as regards the personal merits of the Individual and my own respect for him, but as a duty imposed on the situation I hold in this Colony to notice those whose public conduct is so meritorious. It is

no compliment to say that this Government has in its service no officer whose duties are performed more ably, certainly (.) as yours ; neither is there any officer to whom I can with greater confidence, entrust a difficult and intricate task. I can assure you that I feel much concern that my power of evincing my sense of your able services is so very limited."

That such sentiments, often reiterated (admitting even the disadvantages with which I had undertaken and conducted the affairs of the District) were far beyond what I could expect or deserve, I am ready to allow, more particularly as the passage left blank is still stronger, and therefore for the present suppressed, but that with such avowed claims at a time when any obscure peasant by the mere asking could procure the Grant of 5 or 6000 Morgen of Land, there should have been the least difficulty for me to obtain ample provision in the same way, no one will maintain, yet tho' labouring under a pulmonary disease, which everybody thought would carry me to my grave, and tho' urged by my friends to provide in time for a widowed mother and her family, I never made a single application, because I conceived that there was no Land to which some farmer or other did not pretend to have a claim ; and tho' some of these pretensions were out of all reason, I thought that my Situations forbade *my* coming in opposition to any of them ; until some Individuals occupying Government Land on the Baviaans River were banished from the frontier Districts, so that said Land remained at the disposal of Government. I then applied for part of it (about a dozen acres of arable Land and about 4000 morgen grazing ground), but feeling delicate, as I had been the official prosecutor in the case against the above Criminals, and thinking that their punishment might perhaps be commuted, I was quite indifferent about the fate of my application, until some months after when a question arose relative to the Indemnification of the farmers for the number of Horses they had lost by the distemper on the Caffer Commando ; I told His Excellency the Governor, then in Grahams Town, that I thought it impossible for Government to pay for the immense numbers of horses which had died. His Lordship on hearing that I had lost five or six, observed that at any rate my case was an exception, as my being on the

Commando was more than could be expected without my being a loser into the bargain. I replied that an exception of the kind would excite discontent, and the fate of the Criminals above mentioned being then decided and no chance remaining of the Land they had occupied being given to them, I added, "I shall get the Grant confirmed and that will more than indemnify me."

Soon after however the Settlers came out, and the Government was at a loss where to locate them all. I withdrew my application the moment I became aware of this, and my declaration was acknowledged by Letter from the Colonial Secretary dated 5th April 1820, in the following terms :

"The Emigrants are pouring in upon us, and you conclude justly in supposing that we are puzzled for their location, as we were not apprized of the numbers coming out. My query to you certainly had in view the placing a number of families upon the spot I required information about, it is intended to locate there 400 families, and it would be well that you should direct Azerond *immediately* to make a Survey of Land to the amount of 20,000 Morgen ; these should be as contiguous to each other as possible, if practicable in one great allotment of which the diagram you furnished us with and which you so kindly and handsomely place at our disposal may form part if you judge proper."

Not long after this Sir Rufane Donkin came to the Frontier. The Substance of His Excellency's Treaty with Gaika on that occasion I have already communicated to you. On His Excellency's return to Graham's Town His Excellency and my friend Colonel Graham said to me that as said Treaty placed the Territory between the Fish River and the Keyskama at the disposal of Government, there would be Land in abundance for the Location of Settlers, and that consequently it was my duty to my family to resume my claim to the Land I had given up ; this of course I did, and tho' Colonel Graham is now no more to confirm this, the following Extract of Sir Rufane Donkin's Letter to me dated Swellendam June 19, 1820, will show his feelings on the subject. He says, "I think you told me that 24,000 acres of good arable Land had been measured on the Bavians River, of this quantity I consider 5 or 6000 Acres as at your disposal, and to that Grant I propose

adding as much grazing Land in the vicinity, (but not included in the 24,000 measured acres) as shall make up your Grant to 10,000 acres provided this meets your wishes.

“You may rest assured that I am quite disposed to comply with anything you may ask, for I well know and appreciate the services you have rendered to this Colony.”

This praise may have been undeserved, but it clearly shows that His Excellency instead of about 4,000 morgen grazing ground and a few of arable Land which I had applied for and given up, gratuitously offers me five or six thousand acres of arable Land, and four or five thousand acres of grazing ground ; but it so happened that Colonel Graham also applied for Land on the Baviaans River, wishing to be near the intended Scotch Locations ; too well aware of his superior claim on the Government, and knowing that if the Land I had applied for were confirmed to me there would be nothing worth having left for him, I again withdrew my claim and what had been measured for me was with considerable addition subsequently granted to him.

I in the meantime having purchased a valuable Stud, (with a view to which it is not necessary here to advert) tried to buy a farm in Sneeuwberg, when the Surveyor Leeb who was sent in consequence of the Treaty between His Excellency Sir Rufane Donkin and Gaika to survey some Land for Captain Grant's party of Settlers on the Cat River, wrote to me on the 1st October 1820 from the Baviaans River recommending the Place which is now the Subject of your Inquiry, giving a full account of its locality and situation. Hearing that the place was a good one, I at once sent Mr. Leeb's letter itself to the Colonial Secretary, and received for answer, whilst at Beaufort, that His Excellency would have great pleasure in granting me the Land and would moreover consider it in the Graaff Reinets District, desiring at the same time that I should cause the Diagram to be framed. I wrote to Mr. Leeb from Beaufort, determined, as a Person interested, not to interfere as to the manner in which the place should be surveyed. He sent me the Diagram with another written description of the Place, which I forwarded together to the Colonial Secretary, leaving the matter entirely to Sir Rufane and him.

By return of Post I was told that the Grant was mine, so

that *I was in legal possession of the same* before I had even seen it farther than twice passing it with a Commando by night, and I believe I can safely say that at that time no one in this part of the Country had ever heard that it was even in contemplation to make any restriction about Slave labour any where in this Colony. So much for *my Grant*, but Government was equally desirous to serve other branches of my family, and I received from the Colonial Office the following "Reply to a Memorial of Lieut. Stockenstrom H.P. Cape Regiment praying on the grounds brought forward for the Grant of a portion of such Land as may be at the disposal of Government and not intended for better purposes :

"Memorialist is informed that His Excellency the Acting Governor will be pleased in consideration of the Services rendered by his family to the Colony, to grant him 2,000 morgen of Land in the District of Graaff Reinet whenever the Landdrost shall report on the most eligible situation wherein the intended grant may take effect.

"Colonial Office, 2 August 1820.

"By Command of His Excellency the Acting Governor.

"H. ELLIS, Deputy Secretary."

Had I been inclined to avail myself of the above authority with the least partiality, how easy would it have been to have found valuable Places, Government Land, to which earlier Petitioners had forfeited all right either by trafficking therewith, illegal occupation, having asked far too much, and other reasons which had often been the cause of Ejectment; but tho' Memorialist successively pointed out four places and rested his claim upon grounds which in any other case would perhaps not have been rejected, he was at last, notwithstanding his remonstrances, obliged to be content with 2,000 Morgen grazing ground without one foot of Arable Land.

An application from another Brother was referred to me thus :

"COLONIAL OFFICE, 15 August 1821.

"SIR,—I am directed by His Excellency the Acting Governor to transmit to you the accompanying application for Land in

the Beaufort District from Mr. P. F. E. Stockenstrom. His Excellency is unable to authorize you to act upon this Memorial, not having received from Mr. Baird, the Deputy Landdrost at Beaufort, the return so long and so often called for.

“ I have &c.

“ C. BIRD.”

“ To A. Stockenstrom, Esqre., Landdrost of Graaff Reinet.”

The compliance with the said Petition I thought would interfere with the right of the public, and my report was as follows :

“ GRAAFF REINET, *August 23, 1821.*

“ SIR,—In answer to your Letter of the 15th Instant covering the Memorial of Mr. P. Stockenstrom for the Holle Drift and referring to Mr. Baird’s long expected Report on the Lands in the Beaufort District, I beg leave to acquaint you that that Officer has been busy inspecting those Lands ever since my order to him of the 3rd May last, of which I had the honor to send you a copy. As to the Memorial I beg to premise if the Holle Drift be that on the Gamka (as I know of no place of that name anywhere else) that I shall not be able to report favourably thereon, and hope that it never will be alienated, it being an Outspan Place, which the public cannot dispense with, as the Secretary of the District ought to have known.

“ I have &c.

“ A. STOCKENSTROM.

“ Lieut. Col. Bird, Colonial Secretary.”

Here then Gentlemen you have before you the means I had of providing against Emergencies which perhaps now are not very remote. You see also the use to which I have turned those means, and I believe I may safely trust to your decision on the whole.

As to your query whether I am willing to receive a confirmation of my Grant with a restriction upon the employment of Slaves thereon, I can only say that I would belie my true feelings on the subject of Slavery of every description (with which I shall not trouble you but leave to the judgment of

those who know me better) were I to object to any measure tending to the gradual extinction of such a state, and the Grant itself, tho' it constitutes perhaps the sole balance there would be in my favour in case of a settlement of my affairs, can only be valuable as long as I feel convinced, which I do, that it was fairly and honestly acquired.

I trust, Gentlemen, that whilst I am dwelling on the subject of my property you will allow me to trespass on your patience a few more seconds. Shortly after I got the Grant from Sir Rufane, finding it dangerous on account of the renewed depredations of the Caffers to send my expensive stud to that place, I purchased another in a safer part of the District, on the subject of which I am aware a representation has been made to you, and tho' the Individual who was seduced into that attack hangs his head in shame and contrition, tho' his sneaking off to Cape Town to avoid meeting you together with me in this place speaks more than I could write in a week, tho' your long silence on the subject induces the Idea that you are convinced of the Iniquity and falsehood of the Statement I allude to, I owe it to myself and to the respect I entertain for your Opinion to say that I shall be ready and happy to meet any Investigation you may think proper to enter into also upon that head. I have &c.

(Signed) A. STOCKENSTROM.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. W. A. HANKEY.

DOWNING STREET, 9 August 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of the Memorial of the Directors of the London Missionary Society dated 4th ultimo, and to acquaint you in reply for their information that the several communications therein alluded to have been regularly transmitted to the Cape, and that the same attention will be paid to the present one.

Lord Bathurst has at the same time directed me to state that as the Directors have candidly acknowledged that the

duty which their Missionary has represented as intolerable has been readily submitted to by the Moravian Missionary, adding that they are prepared to shew the cases to be dissimilar, his Lordship thinks it would be very desirable for the Directors to state the proofs which they are willing to produce in order that they might also be sent to the Cape, as the exemplary conduct of the Moravian Missionary, and the universal esteem in which he is held as well by his own flock as by the whole community, cannot otherwise fail of creating some doubts as to whether the duties which the Missionaries have been required to discharge in the Colony by the local Authorities are really so injurious to their Characters as the directors of the Missionary Society have supposed. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from J. W. CROKER, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 10th August 1825.

SIR,—Having laid before my Lords Commissioners of the Admiralty your letter of the 8th instant, expressing the wish of Earl Bathurst that orders should be given for providing a passage to the Cape of Good Hope for Major General Bourke, who has been appointed Lieutenant Governor of the Eastern District of the Cape, and whom it would be desirable to dispatch to that colony in the middle of this month; I am commanded by their Lordships to acquaint you, for the information of Lord Bathurst, that the two next ships going to that Station are the *Helicon* of 10 guns, and the *Rainbow* of 28; and that the former may sail in a month or six weeks, and the latter not sooner than October. I am &c.

(Signed) J. W. CROKER.

[Original.]

Memorial of MR. HENRY ELLIS.

To the Right Hon'ble Earl Bathurst, K.G., one of His Majesty's
Principal Secretaries of State, &c., &c., &c.

The humble Memorial of Henry Ellis, late Deputy Secretary
at the Cape of Good Hope, Sheweth,

That your Lordship was pleased in the year 1821 to recommend a compliance with a memorial from present Memorialist, praying that in consideration of services rendered by him in locating the Settlers in the district of Albany, and for other reasons therein stated, that a grant of a certain portion of land called the Riet Valley should be made in perpetuity to him, on payment of a Quit Rent of 1000 rixdollars per annum and on certain other specified conditions.

That on the said Land of Riet Valley, and within (as appears from accompanying plan) the limit of said Riet Valley, there are situated certain Salt-Pans, which, from time immemorial have formed part of said Estate, and to which Memorialist looked as an important source of advantage, and Memorialist can declare that he never anticipated the possible separation of the said salt-pans from the Estate generally.

Memorialist has, however, learnt with much surprize from his Agent at the Cape of Good Hope, that inasmuch as on the last temporary letting by Government of the said Estate of Riet Valley, the grazing and arable lands were let separate from the Salt-pans, for the purpose of obtaining a higher rent for the whole Estate, doubts are now entertained whether your Lordship's instructions were directed to the whole estate or only to the grazing and arable land.

Your Memorialist, in answer to these doubts, begs leave to submit that the grant to Memorialist was similar to all other grants, and could be only intended to include the usual reservations as specified in subjoined extract from the proclamation dated 6th August 1813.

4. "Government reserves no other rights but those on Mines of Precious Stones, Gold, or Silver ; as also the right of making and repairing Public Roads, and raising Materials for

that purpose, on the premises; other Mines of Iron, Lead, Copper, Tin, Coals, Slate or Limestone, are to belong to the Proprietor."

Your Memorialist therefore humbly prays that your Lordship will be pleased to issue such instructions to His Excellency the Governor of the Cape of Good Hope, as shall enable Memorialist to obtain the full advantage of the grant so graciously vouchsafed to him, and which advantage, as affecting the Salt-pan, Memorialist solemnly declares to have formed a main part of his original request, and which he further will venture to assert, is in strict conformity with the generally admitted and known description of the said estate of the Riet Valley.

59 Welbeck Street,
August 10th 1825.

HENRY ELLIS,
late Dep. Secy. at the Cape of
Good Hope.

[Office Copy.]

Letter from EARL BATHURST *to* HIS ROYAL HIGHNESS THE
COMMANDER IN CHIEF.

DOWNING STREET, 11 *August* 1825.

SIR,—His Majesty having been pleased to appoint Major General Bourke to be Lieutenant Governor of the Eastern District of the Cape of Good Hope, I have the honor to acquaint Your Royal Highness therewith and to request that Your Royal Highness would be pleased to take such steps as you may deem necessary for placing Major General Bourke on the Staff.

I beg to add that it is not His Majesty's intention that General Bourke should receive any pay beyond the amount to which he may be entitled in his Civil capacity of Lieutenant Governor, but that a recommendation will be made to the Lords Commissioners of the Treasury that he should be allowed to draw rations for Servants and Forage for Horses, notwithstanding he will not receive any Staff pay. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the FISCAL DENYSSEN to LORD CHARLES SOMERSET.

FISCAL'S OFFICE, 11th August 1825.

SIR,—In compliance with His Excellency the Governor's directions communicated to me in your letter of the 8th ultimo, in which I am required to furnish you for His Excellency's information with such explanations of certain circumstances stated in a therein enclosed Extract from a letter of Mr. Thomas Pringle to His Majesty's Secretary of State for the Colonial Department as I may have it in my power to offer, I have the honor to report for the information of His Excellency:

First, in explanation of the Statement contained in the following paragraph of Mr. Pringle's letter:—"At this juncture the Fiscal suddenly assumed a right of controul and censorship over the Press. He sent for me to his office, informed me that several expressions in our second number had given much offence to His Excellency the Governor, and demanded a pledge that we would thenceforth insert nothing of a similar description or likely to offend those in authority."

That the conversation which took place between myself and Mr. Pringle shortly after his publication of the second number of the *South African Journal* has been therein much misrepresented.

It is well known to His Excellency that the Laws and State of the Colony at the time when the 2nd number of Mr. Pringle's *Journal* was published did not authorize here the same freedom of the press which exists in the United Kingdom, and it also will not have escaped His Excellency's recollection that Mr. Pringle, previous to his publishing the 1st number of his *Journal*, obtained His Excellency's special authority to publish the same, which authority was founded on the terms of his Prospectus, and that in his Prospectus he engaged not to allow any such topics of public interest as involved matters of political or personal controversy to find place in his said *Journal*.

But none of these reasons induced me after the publication of Mr. Pringle's 2nd number of the *Journal* to send for him to my Office, nor did I suddenly assume a right of Controul and

Censorship over the Press, as Mr. Pringle thought proper to state in his representation to the Earl Bathurst; but it was under the impression which I readily acknowledge that my perusal of Mr. Pringle's observations on the present state and prospects of the English Emigrants in South Africa has given me, that I thought it requisite to avail myself of the right granted to the Procurator General in the 105th Article of his Instructions, translation of which I have the honor to annex hereto, to caution Mr. Pringle against the consequences that probably might result from a continual progress of such observations as could not be considered in any other light than as highly injurious to the honor and respectability of the present Government.

It is necessary here to state that I summoned Mr. Pringle to my Office without the knowledge of, or without making any communication whatever to His Excellency the Governor, of my intention; so untrue is Mr. Pringle's assertion respecting His Excellency's interference. No pledge that he would henceforth insert nothing of a similar description or likely to offend those in authority was demanded by me from Mr. Pringle, which even may appear from an official letter written to me on the 14th May 1824 by Messrs. Pringle and Fairbairn, copy of which I have the honor to enclose, and it evidently shows the levity of that person, not to say worse, that he resorted to such an untrue assertion in order to colour his complaint therewith.

The further contents of the Extract from Mr. Pringle's letter enclosed in your communication have reference to his pretended accidental discovery that the Fiscal had been authorized to insert his name among others of a very disreputable description in a warrant signed by the Governor to search the papers of Individuals suspected of complicity in the making and publishing of a most infamous Placard.

I therefore have the honor, with reference to this complaint, secondly to report that the circumstance complained of and stated by Mr. Pringle as an accidental discovery is equally unfounded on reality or truth, as his assertion just commented on, for that never any Warrant was applied for to His Excellency or in my possession authorising me to search Mr. Pringle's papers.

I beg leave to add hereto that, though I did refuse to afford Mr. Pringle any explanation as to the existence or non-existence of such a Warrant, I certainly did not authorize him to insinuate in his letter that the existence thereof had been tacitly acknowledged by me. Far from such acknowledgement, I endeavoured in a conversation which took place between Mr. Pringle and me in my Office to impress upon his mind that he had nothing to fear from any intrusion upon his domestic peace and tranquillity, and I was much surprized shortly afterwards to receive a letter from Mr. Pringle, copy of which I have the honor to enclose, requesting me to be officially informed whether or not a Warrant had been granted against him, and if so, upon what grounds. My reply to this letter, joined to my subsequent enquiry, copy and translation of which I also have the honor to annex, will have informed Mr. Pringle that the act of giving him such confidential information as he therein asserted to have received, but subsequently denied, under colour that his informer had only told him he believed or guessed that such a warrant did exist, was viewed by me in the light of a criminal act which required my judicial investigation, and thus a moment's consideration would have convinced Mr. Pringle that no such warrant could exist. But it now appears to me he willingly has shut his eyes from the apparent truth, in order that he might have an opportunity to complain to His Majesty's Minister of State and undeservedly to place my conduct in such a most unfavorable light before His Lordship as to induce His Lordship to order this enquiry, with which I find His Majesty's Commissioners of Inquiry are also occupied, to whom I also have given such ample and full explanations as will, I trust, convince His Majesty's Minister of State that nothing but the general dissatisfaction and murmur of some ill-advised persons, which about the middle of last year commenced to spread its baneful influence among the Inhabitants, can have prompted Mr. Pringle and others to trouble His Lordship with their most unfounded and unjustifiable complaints.

I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Original.]

*Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.*WIMPOLE STREET, *August 12th 1825.*

SIR,—Agreeably to your directions of this day I beg leave to bring under your consideration the very heavy expense to which I have been unavoidably put in preparing for my establishment in the new appointment at the Cape of Good Hope to which Earl Bathurst has done me the honor to name me, an expense which has been in some degree encreased by an intimation from His Lordship that I should probably be called upon to discharge the duties of Governor shortly after my arrival in the Colony. I have in obedience to Lord Bathurst's wish as expressed in His Lordship's letter of the 26th June last, that my departure should take place without much delay, made every arrangement for embarking with my family in the middle of this month, the period to which in a subsequent communication His Lordship seemed desirous that my stay in this Country should be limited. I have already engaged servants at the augmented wages always required in such cases as mine, and incurred various other expenses to a large amount. Some considerable charge also beyond my usual expenditure must necessarily be created whilst I remain here waiting for a passage out; a delay which from your communication of this day may I fear be much longer than was at first expected. I trust therefore I shall not be thought unreasonable in requesting that my salary as Lt. Governor may commence from the 5th July last, the day on which I was gazetted. I have conceived that this mode of diminishing in some degree, the very heavy expense of an outfit will be most agreeable to Lord Bathurst, and the circumstance of my appointment being a new one, the Colony will not be put to a double charge for the same Office, no other person being now in receipt of pay as Lt. Governor.

Hoping that you will lay this representation before Earl Bathurst for His Lordship's favorable consideration,

I have &c.

(Signed) RICHD. BOURKE, M. General.

[Copy.]

*Letter from the SECRETARY TO GOVERNMENT to
J. W. STOLL, ESQRE.*

COLONIAL OFFICE, 13th August 1825.

SIR,—I am directed by His Excellency the Governor to transmit to you copy of a correspondence which has passed between Colonel Bird, the late Colonial Secretary, and myself, and to request (with reference to the Postscript to Colonel Bird's letter alluding to you) that you will afford me any information or explanation in your power relative to the subject therein alluded to. I have &c.

(Signed) RICHD. PLASKET,
Secretary to Government.

[Copy.]

*Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES
SOMERSET.*

CAPE TOWN, 15th August 1825.

MY LORD,—During the late discussions that have taken place amongst the inhabitants of this colony upon the operation of the order of your Excellency in Council, by which the silver coin of Great Britain is declared to be a legal tender in payment of debts, at the rate of one shilling and sixpence sterling for the paper rix-dollar, our attention has necessarily been drawn to the arguments, by which, it is contended, that the great depreciation which has taken place in the value of the colonial paper is principally to be attributed to an omission on the part of the colonial government to provide for the gradual extinction of the amount of one million of rix-dollars that were created during the administration of the Earl of Caledon in the year 1810; one half of which was issued during the administration of Sir John Cradock, and applied to the execution of public works.

In adverting to the circumstances under which this issue of

paper money was sanctioned by His Majesty's government; the public pledges of redemption that accompanied the last issue; and the repeated recommendations that were transmitted to your Lordship by His Majesty's government, to make early and constant provision for its gradual extinction, we are nevertheless aware that other causes which have been in operation within the period of your Lordship's administration, may have had an influence in accelerating the depreciation of the colonial currency in its exchange with England.

In appreciating these causes, and endeavouring to form a comprehensive judgment upon a point that has engaged a large share of public attention, both in the colony and at home, we feel that we should be wanting in that duty which we owe to your Lordship, as the head of this government, if we were to omit the opportunity of becoming officially and correctly informed of any peculiar reasons and circumstances that may have existed for suspending the execution of the instructions of His Majesty's government for reducing the amount of paper in circulation, and of any representations that may have been addressed by your Lordship to Earl Bathurst upon the consequences of the growing depreciation, either as affecting the resources of the colony, or the interests of those public servants who have been paid in currency, and whose salaries are generally allowed to be disproportioned to their relative situations and duties. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from the Secretary to Government to the Landdrost of Albany.

COLONIAL OFFICE, 15th August 1825.

SIR,—I am directed by His Excellency the Governor to call your attention to a claim made some time since to your Predecessor by Mr. Erith for Cattle stolen from him by the Kaffers, which claim it appears could not be attended to at the time,

in consequence of the numerous other claimants who had previously come forward, and the amount of which exceeded the number of cattle retaken from the Kaffers.

His Excellency desires that you will take the first opportunity of selling any Kaffer Cattle at your disposal to settle Mr. Erith's claim, and as he is at present in England, you will be good enough to order the number of cattle to which he is entitled to be put up to Public Sale on his Account and the Amount of such sale must be deposited in your Office until you receive further directions on the subject. I have &c.

(Signed) RICHARD PLASKET.

[Copy.]

Memorial of MR. GEORGE GREIG.

To His Excellency the Governor in Council of the Cape of Good Hope, &c., &c., &c.

The Memorial of George Greig Sheweth

That your Memorialist, previous to his leaving England in May last, received directions from Lord Bathurst to request from your Excellency the restoration as far as might be practicable of the Printing Materials which were purchased from your Memorialist by the Colonial Government in July 1824.

That your Memorialist is ready to conform to the arrangement made by Lord Bathurst for the repayment of the purchase money for the said materials.

Your Memorialist therefore prays that your Excellency will be pleased to give directions that the said materials may be now given over to your Memorialist on the said conditions.

And your Memorialist will ever pray, &c.

(Signed) GEORGE GREIG.

CAPE TOWN, Aug. 15th, 1825.

[Office Copy.]

*Commission granted to MAJOR GENERAL RICHARD BOURKE
as Lieutenant Governor at the Cape of Good Hope.*

GEORGE R.

George the Fourth by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, To Our Trusty and Well beloved Richard Bourke Esqre., Major General in Our Army, Greeting We reposing especial trust and confidence in your Loyalty, Integrity and Ability, do by these Presents constitute and appoint you to be Lieutenant Governor in and over Our Settlements at the Cape of Good Hope, to have, hold, exercise and enjoy the said Place and Office during Our Will and Pleasure, with all Rights, Profits, Perquisites, and Advantages to the same belonging or appertaining. And further in case of the death or absence of Our Captain General and Governor in Chief of Our said Settlements at the Cape of Good Hope for the time being, We do hereby authorize and require you to exercise and perform all and singular the powers and directions contained in Our Commission to Our Captain General and Governor in Chief of Our said Settlements according to such Instructions as he hath already received from Us, and to such further orders as he or you shall hereafter receive from Us, and We do hereby command all and singular Our Officers Ministers and loving Subjects in Our said Territory and all others whom it may Concern to take due Notice hereof, and to give their ready obedience accordingly.

Given at Our Court at Carlton House the Sixteenth day of August 1825 in the Sixth Year of Our Reign.

By His Majesty's Command,

(Signed) BATHURST.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LIEUTENANT-COLONEL BIRD.

CAPE TOWN, 16th August 1825.

SIR,—Having been informed by the Auditor General that the 18th Article of the Instructions to the Governor of this Colony received from the Lords Commissioners of His Majesty's Treasury in the year 1816, whereby it is ordered that no expense in the erection or repairs of Buildings or Roads should be incurred without the authority of their Lordships or the Secretary of State, unless the charge should be under two hundred Pounds Sterling, was not contained in the Extract of Instructions transmitted to him in that year, and that he never received any official communication of this article until the month of May 1823, when he found it in the copy of the Instructions that accompanied a letter addressed by you to him upon the subject of the receipt and expenditure, we have the honor to request that you would inform us whether you are aware of this fact, as stated by Mr. Bentinck, and whether you are acquainted with any particular reasons that may have existed for delaying the communication of this important article of Instruction to him during a period in which the accounts for the erection and repairs of several public Buildings must necessarily have been submitted to his examination.

We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from SIR RICHARD PLASKET to MR. GEORGE GREIG.

COLONIAL OFFICE, August 16, 1825.

SIR,—I have submitted to His Excellency the Governor the Memorial you addressed to him under yesterday's date, stating that you had received directions from Earl Bathurst to request

from His Excellency the restoration, as far as might be practicable, of the Printing Materials which were purchased from you by this Government in July, 1824, and I am directed by His Excellency to inform you, that the restoration of them to you is not practicable, as they were sold to Mr. Wm. Bridekirk on the 30th July 1824, and His Excellency has it not in his power to cancel that engagement. A communication to this effect was made by His Excellency to Earl Bathurst some time since. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

[Original.]

*Letter from MR. WILLIAM PARKER to R. WILMOT
HORTON, ESQRE.*

PASSAGE WEST, IRELAND, 16th August 1825.

SIR,—In your letter to Sir Nicholas C. Colthurst of the 24th December last, you were pleased to express your regret, “that it was not in your power to relieve my very natural impatience to learn the result of the Investigation *which would have been made by that time* into my statements and claims, and that you could only then say no report had yet been received from the Commissioners on my case.”

As my case is the case of suffering humanity, *of those who have none to plead for them*, the cruelly used natives of South Africa, which makes it the case of the British Empire and consequently a national concern, I urged Sir Nicholas Colthurst to attend to it, and on the 18th May last he asked you, seeing you in your place in the House of Commons if any report had been received, to which you replied in the negative, although your letter of the 24th December led to a conclusion that a report was made but not then received.

I have just received an intimation that Mr. Ingram had been examined on my statements, to the important facts of every particle of which I steadily adhere, as I am armed with irresistible evidence of truth, of which I beg leave to fully apprise you, lest the deception which has been so long prevalent

in South Africa should have a similar influence on the Commissioners *as it has had already on many* official men connected with that unfortunate Colony.

The *Andromache* Frigate has lately arrived from the Cape and dispatches being of course forwarded by that ship, I beg leave to know whether the Report respecting which you so strongly expressed yourself has been at length received.

In my Memorial to Earl Bathurst of the 29th September 1820, which should have made a strong impression on the Colonial Department *as to the iniquity of the Local Authorities*, I stated that Mr. Buissonne had signed a false report of the lands at the Klein Valley. This I believe was not credited, but this Mr. Buissonne has been since convicted of perjury and fraud, and Mr. Bresler the righteous Judge like Judas has committed suicide, conscious of his being guilty of the blood of the innocent.

I have publicly charged some of the Local Authorities at the Cape with deception, falsification, fraud, and a most insidious attempt to undermine the Reformed Religion in that Colony. Evidently, enquiry has taken place, for Colonel Bird has been most publicly dismissed. His Brother in Law Mr. Buissonne is a convicted felon and Mr. Bresler has violated human and divine law. Here are ample justifications of the rectitude of my conduct and the most ample manifestation of the cause of my sufferings. I feel fully warranted to persevere, which was always my fixed determination, as in doing so, I should best discharge my solemn duty to my God, to my King and to my fellow-man, a duty which I have studied and I hope practised through life.

You are Sir, I believe aware, that the enquiries which your letter to me of the 4th March 1823 compelled me to make have led to my possessing official proofs of the massacre of the Caffres in cold blood, especially on the night of the 16th August 1821, four years from this date, during the absence of Lord Charles Somerset from the Colony, by Instructions given to the Commanding Officer at Fort Willshire Barracks, the said massacre having taken place after a Proclamation was issued by Sir Rufane Donkin on the 25th May 1821, to lure these unsuspecting Natives over the boundaries of the Neutral Territory, *first violated by the British Authorities.*

I have charged these infamous men with many crimes, my charges on enquiry have been at all events in part proved, as convictions the most conclusive have been made public. The enormity of my charges gave them the appearance of improbability which has in some measure justified His Majesty's advisers in the course they pursued. Six years have elapsed since I embarked in the expedition to the Cape, and it is near three years since I left the Colony without obtaining enquiry or redress, all which I submit to Lord Bathurst's consideration.

I have the honour &c.

(Signed) WM. PARKER.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.

DOWNING STREET, 17th August 1825.

SIR,—I have submitted to the consideration of Earl Bathurst your application of the 12th instant relative to the date at which you are desirous that your Salary as Lieutenant Governor of the Eastern District of the Cape of Good Hope should commence, and I have received his Lordship's directions to acquaint you in reply that the Rule which has been laid down with respect to the payment of Salary when any appointment takes place is, that it shall commence from the date of Embarkation, but that under the circumstances of your case, as you received orders to be in readiness to embark by the 16th instant, and as the delay which will take place in your departure will be occasioned not by any act of yours, but from the impossibility of preparing a King's ship within the time intended, you will be allowed to receive your full Salary from the period at which you would have embarked, viz. the 16th of the present month. I have &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LIEUTENANT-COLONEL BIRD.

CAPE TOWN, 17th August 1825.

SIR,—In the course of our examination of the Auditor General respecting the profit accruing to this Government upon the Insertion of Advertisements and notices of Individuals in the *Government Gazette*, we were informed by him that the charges made for the translation of such documents, which we find to have been carried to the account of Government until the month of August 1819, ceased to be so accounted for from that period in consequence of a verbal direction of yours, that the auditor states to have been communicated to him through Mr. John Brink who received it from his Brother the Assistant Secretary in the Colonial Office.

In consequence of this intimation it appears that no further account was taken of the Fees, and we have not been able to find that any observation has been made by the Auditor General upon the reduction thus occasioned in the Annual Revenue, in the Reports that he was ordered to draw up for the Information of the Auditors of Colonial Accounts in England.

Upon reference to Mr. John Brink, we were informed that he received the Information from his Brother Mr. P. G. Brink, then Assistant Secretary in the Colonial Office, who has stated to us that as far as he can recollect he gave the Intimation to his Brother in consequence of a verbal Instruction that he received from yourself.

We find that the Fees taken for Translation were subsequently divided in different proportions between the Individuals who were successively nominated to perform the duty of translating for the *Gazette* and the superintendant of the Printing Department, but as no written authority is said to have existed for the first appropriation of them to these purposes in the month of August 1819, we have the honour to request that you would inform us whether upon the several nominations of Mr. Buissinne and Major Rogers to the duty of translating for the *Gazette*, their reception of the Fees was

sanctioned by His Excellency the Governor or the Acting Governor Sir Rufane Donkin. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from the Secretary to Government to the Fiscal.

COLONIAL OFFICE, 17th August 1825.

SIR,—Mrs. Erith, the wife of a Settler who returned some few Months since to England, having stated in several Petitions which she has addressed to Government that she and her children were completely destitute and unable to provide themselves with the means of subsistence, I am directed by His Excellency the Governor to desire that you will enquire into the circumstances of this case, and should it appear to you that she and her Children are actually unprovided with the necessaries of Life, that you will issue to her such allowance either in money or in Rations as is usually given to distressed British Subjects, until His Excellency has an opportunity of sending her to England. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

[Original.]

Letter from the SECRETARY TO GOVERNMENT to R. WILMOT HORTON, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 17th August 1825.

SIR,—I have to request you will be good enough to inform me whether Merchant Vessels (not Transports) freighted either by the Ordnance, Navy, or victualling Boards, with Stores for their respective Departments in this Colony, are entitled to be relieved from *Port Dues* should they have no other Merchandize

on board except Stores for the Departments above mentioned or for any other Branch of the Government. I have &c.

(Signed) RICHARD PLASKET.

[Copy.]

*Letter from J. W. STOLL, ESQRE., to the SECRETARY TO
GOVERNMENT.*

LANDDROST'S OFFICE, 17th August 1825.

SIR,—I have the honor to inform you, in answer to your letter of the 13th instant giving cover to a Correspondence which has passed between Colonel Bird, the late Colonial Secretary, and yourself: that at the time Lord Caledon encreased the Salaries of some Officers under Government, in lieu of certain Fees that had been enjoyed by them, no alteration was made in this respect in the Printing Office, and the persons employed therein continued to appropriate to their own use a part of the Fees collected.

What these Fees were, and how and in what manner *they* were divided between the Superintendant of the Printing Department and the persons employed under him, I do not know; but on Mr. Geo. Ross, Mr. Richert's predecessor, obtaining leave of absence from the Colony, he made an arrangement with Mr. Buissinne, that the latter should make all Translations and receive for his trouble one half of Mr. Ross's Fees, which half I have been told amounted to upwards of Three Thousand Rixdollars.

With regard to the instructions given for not carrying to the Credit of Government the charges made for translations, I regret very much that I have it not in my power to afford any information, and have the honor &c.

(Signed) J. W. STOLL.

[Copy.]

Letter from MESSRS. HAWKINS AND CLOETE *to* JOHN GREGORY, ESQRE.

CAPE TOWN, 17th August 1825.

SIR,—We have the honour to acquaint you, for the information of His Majesty's Commissioners of Inquiry, that upon being chosen by the freeholders of this town to watch over their interests, as affected by the Ordinance of His Excellency the Governor in Council of the 6th June last, we had proposed to forward to His Majesty's Commissioners of Inquiry an authenticated copy of the Petition intended to be laid before His Majesty as soon as the signatures had been obtained. His Excellency the Governor, upon the intelligence that this petition was already in a certain state of forwardness, having however applied for and obtained a copy thereof, for the laudable purpose of causing no delay, when the petition shall have obtained sufficient signatures, and therefore to collect, in the mean time, all the information which it will be necessary on the part of the colonial government to convey to His Majesty's Ministers; we consequently do ourselves the honour herewith to forward a similar copy for His Majesty's Commissioners of Inquiry, as we make no doubt they also feel desirous to give that subject all the attention and investigation it deserves.

We have, &c.,

(Signed) W. HAWKINS, Chairman,
H. CLOETE, Secretary.

[Copy.]

Letter from LIEUTENANT-COLONEL BIRD *to the* COMMISSIONERS OF ENQUIRY.

LIESBEEK COTTAGE, 18th August 1825.

GENTLEMEN,—I had the honour to receive last night your letter of the 16th instant, in which you acquaint me that the Auditor General has informed you that the 18th Article of Instructions to the Governor of this colony, received from the

Lords Commissioners of His Majesty's Treasury in the year 1816, was not contained in the extract of the Instructions transmitted to him in that year, and request to know whether I am aware of the fact stated by Mr. Bentineck, and whether I am acquainted with any particular reasons that may have existed for delaying the communication of this important article of Instruction to him, &c. ? In reply to which I have to state that at this distance of time I cannot charge my memory with the particular reasons, which influenced the commands to which I gave effect, in transmitting the extracts in question to the auditor of accounts, but as well as I recollect such extracts from the Instructions were sent to Mr. Bentineck as appeared to be necessary to guide him in the discharge of his duties as auditor. The particular article in question, which restricts the Governor from incurring expense in the erection or repairs of Buildings or roads without the authority of their Lordships or of the Secretary of State unless the charge should be under two hundred pounds sterling, is a special order to the Governor with which the Colonial Auditor does not seem to be concerned, for the Governor must be the Judge, and not the Auditor, in what cases he is justified in proceeding without the sanction pointed out. He then does so on his responsibility, in no case is he ignorant of that fact, and the Governor in consequence applies, or should apply, as provided, to the Secretary of State for authority in cases where he finds it necessary or expedient to exceed the sum limited, which authority the Secretary of State transmits, if he sees fit, to save time, direct to the Colonial Audit Office in London. I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from LIEUTENANT-COLONEL BIRD *to the* COMMISSIONERS
OF ENQUIRY.

LIESBEEK COTTAGE, 18th August 1825.

GENTLEMEN,—In replying to your letter of yesterday, on the subject of the profit accruing to Government from the

insertion of advertisements and notices in the *Government Gazette*, I shall endeavour to correct the misapprehensions under which it appears to me that you labour in this case ; for this purpose, I beg to say that the subject of the profits derived from translations in the *Gazette* Department was frequently matter of discussion between the late Mr. Ross (the Superintendent) and my predecessors in the Secretaryship. Mr. Ross had, from the first establishment of the office, received on his own account the profits on translations, and when it was in contemplation to place the charges on translations to the account of office fees, he represented that no person was compellable to pay for translations, that it was optional with those who advertised to supply their own translations if they thought proper, and that the great number of advertisements which were sent to him to get translated into Dutch were so sent by his friends the English Merchants, who did it out of kindness to him, but who, if he were deprived of the profit, would employ their own translators, and that in such case neither the Government nor himself would be benefited. This reasoning was, I recollect, conceded to, and it was then understood that all translations from English into Dutch should be done on his, the Superintendent's account, but that if any advertisements were sent in Dutch, without translations, such Dutch advertisements should be given to the Government Translator, and the profit be placed to the Printing Account. Had this arrangement not taken place, the Salary of the Superintendent would have been considerably increased, as were the Salaries of those Civil Servants from whom Office Fees had been taken at that period. It will be here necessary to observe that there never was a Government Dutch Translator, the translator to the Colonial Office translated only from Dutch into English ; I believe it will be seen by the books of the Printing Department that the Government profit on this head was always very trifling, and at length, in consequence as I was informed of the greater diffusion of the English language, few, if any, advertisements were sent to the Government Translator ; it ended finally in this branch not being any longer attended to.

My attention has been lately drawn to this subject, and I can now therefore most positively affirm that I never gave Mr.

Peter Brink the verbal instruction to which you refer ; such verbal instruction would, under the circumstances, have been entirely unnecessary. Nor can I conceive anything more loose and unofficial than the assertion of the Auditor that he acted upon the verbal authority of an accountant, who acted as he admits on the verbal authority of his Brother, who likewise shields himself under a similar verbal communication, of the tenor of which, however, he does not, according to your letter, appear to be quite clear. If the subject was brought before me, of which I have no recollection, it is possible I may have said that it was so insignificant to Government that it was quite immaterial what was done in it. The auditor might have known, and I am sure Mr. Brink knew, that there was nothing I so studiously avoided as giving verbal orders, my principle ever was to reduce everything to writing. With respect to the appointment of Mr. Buissinne to the Translatorship, to which you allude, and relative to which you require information, I am to say that no such appointment ever took place ; Mr. Buissinne, who was on the List of Sworn Translators, made a private arrangement with Mr. Ross, who could not himself translate into Dutch, by which he undertook to do this private business as it was then considered ; it pleased His Excellency Lord Charles Somerset to direct that he should not be employed in this private concern, which he thenceforward made a Government appointment, and named to it, first his friend Mr. Martinus Horak, and then Major Rogers, under directions as to their share of emoluments, of which I have it not in my power to inform you. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS
OF ENQUIRY.

CAPE OF GOOD HOPE, 19th August 1825.

GENTLEMEN,—In compliance with the request contained in the letter you did me the honor to address to me on the 13th Instant, that “ I would communicate to you any written

Documents in which Mr. Pringle may have requested or the Colonial Government may have signified its sanction to his publishing a periodical work," I have the honor to transmit to you a Copy of Mr. T. Pringle's prospectus specifying the restrictions under which he bound himself in soliciting the sanction of Government on that head.

On perusing the Extract from the Evidence of Mr. John Fairbairn which you have done me the honor to transmit to me, it appears that he has either withheld, or that Mr. Thomas Pringle has kept him ignorant of, the only material subject that was touched upon in the Interview he alludes to between Mr. Thomas Pringle and myself.

In that Interview I explained to Mr. Pringle that I had resisted applications to print from other persons, as he had been the first applicant, and that I had delayed deciding upon his request, as I was anxious to learn the views of His Majesty's Government with regard to the conditions contained in his prospectus and which I had then just received through the under Secretary of State.

I then read to Mr. Pringle from a letter from Mr. W. Horton, which lay on the table before me, the following Paragraph, "that Lord Bathurst was of opinion that there could be no objection to allow the establishment in Cape Town of a periodical publication to be entitled *The South African Magazine* so long as the pledge so distinctly and unequivocally given in the Prospectus was abided by, viz. the strictly excluding from the work all topics of political or personal controversy."

I considered that I could not in a more candid or more effectual manner make the publisher to understand the terms on which he was permitted to publish, than by reading him the instructions which I had received from the original Document which contained them, and Mr. Pringle left me after having expressed repeatedly in the strongest terms his assurances that I might rely upon his strict observance of his prospectus, and begging me to accept his warmest thanks for the indulgence which had been shewn him. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the FISCAL to the SECRETARY TO GOVERNMENT.

FISCAL'S OFFICE, 19th August 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 17th Instant, communicating to me His Excellency the Governor's desire that I shall enquire into the circumstance of the case of Mrs. Erith and her Children, and should it appear to me that she and her Children are actually unprovided with the necessaries of Life that I then shall issue to her such allowance either in Money or in Rations as is usually given to distressed British Subjects, until His Excellency has an opportunity of sending her to England.

As to the first part of your said communication, I am ready to comply therewith, and to report to you for His Excellency's information. But I feel myself in duty bound to state in reply to the 2nd part thereof, that the usage of this Colony does not to my knowledge assign any allowance either in Money or in Rations to distressed Individuals merely on account of their distressed situation, and that the allowances which occasionally are granted to such Individuals arise from charitable contributions, such as the allowances granted to the Members of the Dutch Reformed Church in Cape Town out of the Church Fund, and the allowances granted to distressed Settlers out of the Fund for the relief of distressed Settlers.

If therefore it may appear to me that Mrs. Erith is unprovided with the means to support herself and her Children, I will be under the necessity to request His Excellency's special directions, to be acted upon by me with regard to any sum or Rations to be given her at the expence of Government.

I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20th August [1825].

MY LORD,—I do myself the honor to acquaint your Lordship that it having been thought advisable to appoint a Lieutenant Governor on whom the Command of His Majesty's Settlements at the Cape of Good Hope might devolve in the case of the death or absence of the Governor in Chief for the time being, Major General Bourke has been selected by His Majesty to proceed to the Cape to exercise the functions of Lieutenant Governor.

It is eventually intended to divide the Civil Administration of the Cape, according to the precedent afforded in the case of the division of the Province of Quebec, and to place the Eastern division of the Settlements under a separate and distinct Government with a Council and other Civil Officers as soon as such an Establishment can be organized there.

Major General Bourke, whom your Lordship will, for the present, consider as being Lieutenant Governor, will assume the Administration of the Eastern district as soon as it shall be erected into a separate and independent Government, and will carry it on by direct communication with the Government at home.

I have further to acquaint your Lordship that although you will continue to be Governor of each of the intended Districts of which the respective limits will be clearly defined, and have Military command over each, your Lordship will conduct the administration of that only in which your usual residence may be fixed, but upon any extraordinary occasions and in the event of any peculiar emergency requiring your Lordship's presence in the adjoining district you will have the power upon proceeding thither and so long as you may remain upon the spot of assuming the administration of the same, and the functions of the Lieutenant Governor will of course during that time be suspended.

It is however to be distinctly understood by your Lordship that nothing short of the most urgent necessity for your presence in the more distant division of the Settlements will

justify your Lordship's interference with its Civil Administration.

In the event of your Lordship availing yourself of the permission which I have had the honor of conveying to you to return to England, Major General Bourke will of course succeed your Lordship in the command of the whole of the Settlements, but should your Lordship not have any intention of quitting your Government, he is directed by his Instructions to proceed up the Country for the purpose of taking a survey of that particular part of it which it is intended to erect into a separate Government. It will also be his duty in concert with your Lordship to determine the proper boundaries of the New District and to report on the fittest place to establish the seat of his Government, and he will afford at the same time any other details with which the new arrangements contemplated by His Majesty for the future Government of the extensive Settlements at the Cape of Good Hope may render it necessary for His Majesty to be made acquainted. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20th August 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 160 dated the 31st of March last, reporting your visit to the District of Albany.

Among the various subjects which appear to have occupied your Lordship's attention in that part of the Colony I am aware there is none of more importance than the want of Labourers which you describe as being so severely felt by the Settlers in that quarter. I have examined your representations on this subject as well as both the proposals which you have annexed for introducing a supply of labour into the Colony, but I do not feel myself prepared without further enquiry to say how far either of them are practicable; at present there are many difficulties which present themselves in

this case, and I fear they will prevent an early remedy being applied to the evils which must more or less result from the want of such assistance, as that for which the Settlers have applied.

In regard to sending out their wives and families, a measure which you have been requested by the Settlers themselves to press upon the notice of His Majesty's Government, I am sorry that I cannot hold out to your Lordship any expectation that I shall be able to meet their wishes in this particular, as, in addition to the expence which such a measure would entail upon the public, it would be extremely inconvenient to concede to the Settlers who have proceeded to the Cape an indulgence which could not be extended, if applied for, to the Settlers who have proceeded to other Colonies, of whom the number is already very considerable.

I must further observe that the large wages which your Lordship has intimated that many of the Settlers are in the habit of receiving would enable them to apportion a part towards defraying the expences of conveying their families to the Cape without any interference with their individual comforts. If therefore your Lordship can suggest any arrangement by which this assistance could be secured, His Majesty's Government would be willing to take upon themselves the original expence, on the repayment of half by those who shall have entered into such an engagement.

In proceeding to remark upon the various public undertakings, to the commencement of which your Lordship has given a sanction in your progress through the District of Albany, I regret to be compelled to observe that your Lordship has lost sight of the Instructions relative to public Expenditure which at different times have been conveyed to you from home, and that I shall not therefore feel myself at liberty to authorise the adoption of some of the plans which you have projected, without being more fully satisfied of their necessity than I am at this moment from the inadequate details with which your Lordship has furnished me: nor can I do otherwise than withhold my sanction, until I shall have been furnished with regular estimates of the expence of these various undertakings.

I approve of the measures you have taken in breaking up the Government farm at Somerset and the directions given

for the sale of the Lands ; of the expediency of establishing a Town there, I cannot give an opinion without receiving from your Lordship further information, but as the arrangements connected with this undertaking, so far as I can judge, do not appear to subject the Government to much, if any, additional expence, I shall limit my observations by requesting to receive from your Lordship by an early opportunity, the fullest particulars which can be given upon the subject, and to impress upon your Lordship the necessity of your not incurring any expence for the accommodation of any public Functionary, whom you may remove to that particular neighbourhood, until the proportions of Land which may be allotted for sale shall have been purchased, and every disposition manifested by the proprietors to proceed in the erection of dwellings thereon.

The satisfaction which I have derived from the reduction of Expenditure which your Lordship has announced in one part of your Government, has, I am concerned to add, been met by a proportionate disappointment on account of the disbursements which you report to have been made in another quarter, and of which I can have no hesitation in expressing my disapproval.

The establishment of a Port at the mouth of the Kowie is one of the expences to which the latter observation applies, not that I object to the formation of a Port in that situation, but what I must object to is that your Lordship should have undertaken any new Establishments without in the first place procuring the necessary Estimates for the purpose of being transmitted for my examination. Of the mischief arising from embarking in expensive buildings without the fullest consideration, you must be now aware from the charge which by the report of the Commissioners appears to have been brought upon the public by the construction of a Building for a Landdrost at Worcester so far exceeding both the necessity of the case and any expectation of what your Lordship appears to have entertained.

From the dispatch which I addressed to your Lordship on the 31st January 1823, a copy of which I transmit herewith, you will recollect that you are answerable to the Audit Board for all expenditure incurred without the previous sanction of His Majesty's Government, and that it is out of the power of

the Secretary of State “to remove by any subsequent interference, the responsibility which the omission of that step will have occasioned.”

I have to convey to your Lordship my authority for calling upon the Settlers at the commencement of the ensuing year to pay their Quota of the established Taxes raised annually at the Opgaaf, but in imposing this obligation upon them, you will give notice that His Majesty’s Government have been induced, in consequence of your Lordship’s recommendation, and in consideration of their inability to discharge the value of the rations &c. which were issued to them by the Commissariat Department, to direct that payment of their debt on that account should not be enforced.

I have also by this opportunity to signify to you my approbation of the way in which you have disposed of those unfortunate people who being deserted by their own Tribe, had wandered from the Country lying to the North East of the Colony into the district of Graaff Reinet by apprenticing them to the English Settlers in Albany.

The other subjects which you have brought under my notice in your dispatch, I shall have the honor of adverting to separately. But I will just add, in reference to that part of your letter in which you state that application has been made to you for permission to trade with Foreign Ports, that, as it does not appear that under the existing Laws the Trade of British Ships from the Cape with any Foreign Port is prohibited, under certain conditions, I am not aware that your Lordship has any right to limit it by subjecting it to your Licence.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20th August 1825.

MY LORD,—I am directed by Earl Bathurst to transmit to your Excellency the copy of a letter addressed by the Com-

missioners of Customs to the Lords Commissioners of the Treasury accompanied by the printed forms of Returns therein alluded to, which are required to be sent home annually by the Collector and Comptroller in the several Colonies ; and I am to request that your Lordship will take the necessary steps for ensuring the regular transmission of these Returns in the manner and for the purposes specified. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 20th August 1825.

SIR,—Having laid before Earl Bathurst your letter of the 10th instant stating that the two next ships bound for the Cape of Good Hope are the *Helicon* and the *Rainbow*, the latter of which would not proceed to that Station sooner than the month of October, His Lordship has directed me to acquaint you in reply that Major General Bourke will be prepared to go out in the *Rainbow*, and I am to request that you will move the Lords Commissioners of the Admiralty to give directions for his reception on board and also those of his family and suite consisting of Mrs. Bourke, 3 Misses Bourke, 2 Maid Servants, Major Ryan, A.D.C., Mr. Percival, and 3 Men Servants. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. THOMAS WILLSON.

DOWNING STREET, LONDON, 20 August 1825.

SIR,—Having laid before Earl Bathurst your letter to Mr. Horton under date of the 8th instant requesting a copy of “the General Memorandum” containing the conditions under which it was proposed to give encouragement to emigration to

the Cape of Good Hope, I am directed by his Lordship to acquaint you in reply that the Memorandum in question being a printed document, his Lordship is willing to allow your Solicitor to make a copy of the same, if you will give him directions to attend at the Colonial Office. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 20th August 1825.

MY LORD,—We have the Honor to acknowledge the receipt of Your Lordship's Letter of the 5th Instant, in reply to our enquiries relative to the future disposal of the Tract of Land situated between the Keiskamma and the Great Fish Rivers, and informing us that you had directed that the Lands situated westward of the Konap should be distributed in Grants of Two Thousand Acres, and attached to the new District of Somerset.

Having had occasion to advert to the neglect of His Majesty's Commands for imposing a restriction upon the employment of Slaves in the Grant conferred upon Mr. Stockenstrom in 1820, and situated within that Tract, we beg to request that your Lordship will be pleased to inform us, whether the Condition in question has been directed to be included in the new Grants proposed to be made upon that Frontier of Cafferland.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

P.S. We further request that your Lordship will have the goodness to inform us to what description of Persons it has been proposed to distribute the lands situated within the tract above mentioned.

[Copy.]

Memorial of MR. GEORGE GREIG.

[20th August, 1825.]

To His Excellency the Governor in Council &c., &c., &c.

The Memorial of George Greig Sheweth

That your Memorialist's Printing Materials were sealed up by the Colonial Government in June 1824. On the employment of these Printing materials, your Memorialist depended for his livelihood. After they were sealed up, your Memorialist could no longer derive emolument from them, nor from his skill and industry as a Printer. Neither could your Memorialist *sell* them, or mortgage them, until "His Majesty's pleasure" should be made known to him respecting their final disposal.

Your Memorialist had therefore no alternative but either to allow them, constituting the whole of his effective capital, to remain locked up and useless for so indefinite a period of time, or to offer them for a certain sum of money to the Colonial Government by whom they had thus been taken possession of.

When the Colonial Government, as an act of favor on its part, offered to your Memorialist a sum of money equal to their awarded value, your Memorialist did not imagine that the Colonial Government would immediately speculate upon them, by bringing them to market; but that they would remain as they then were, that is, sealed up and safe from his rivals in trade, who might wish to gain possession of them, they being the finest materials of the kind that had at any time reached the Colony, until such time as His Majesty's pleasure was known, according to the wording of the "warrant" by virtue of which they had been seized. In order to learn the determination of His Majesty's Government on this subject as soon as possible, your Memorialist went himself, at a great expence, to the seat of the said Government, that his time and means might not be consumed in idle expectation and uncertainty, and was informed, by his Majesty's own Minister, Earl Bathurst, that these same printing materials, viz. the Types so seized, should be restored to him, and also the other materials, viz. printing Paper, Ink, &c., so far as should be practicable, by the Colonial Government.

Your Memorialist was informed by *R. Wilmot Horton, Esqr.*, Under Secretary of the Colonial Department, of which *Lord Bathurst* is principal Secretary, that the phrase, "so far as might be practicable" referred to the printing Paper and Ink, which was in daily consumption, and that the types would, without doubt, be restored and a deduction made for "wear and tear" during your Memorialist's absence from the Colony.

Relying fully on this arrangement of *Earl Bathurst*, and on the explanation of *R. W. Horton, Esqr.*, your Memorialist agreed to drop all farther proceedings for the recovery of damages in his case, this being, by *Lord Bathurst*, made a part of the arrangement; and thus your Memorialist conceived the transaction concluded and finally settled.

Your Memorialist hereupon returned to the Colony of the Cape of Good Hope, and presented a Memorial to his Excellency in Council, stating the terms on which *Lord Bathurst* had authorized him to request from the Colonial Government the restitution of the said printing materials, and praying for their restitution accordingly.

But found, by answer to the said Memorial, that the restoration of the said Printing materials was deemed by the Colonial Government *not practicable in any degree*, because the said printing Materials had been sold by the Colonial Government to *Mr. W. Bridekirk* on the 22nd day after your Memorialist had left the Colony for the purpose of seeking redress from His Majesty's Government at home; and on the 23rd day after the arrangement respecting them had been made between the Colonial Government and himself.

And the said *Mr. W. Bridekirk* had, by means of the said printing materials, possessed himself of the ground which belonged to your Memorialist, and had commenced and carried on the printing of a Newspaper in the Colony, in which he states, that he "is pledged to nobody but himself" respecting the nature of its contents.

Your Memorialist also observed that the said Newspaper, printed with the said materials, by the said *Mr. W. Bridekirk*, contained matter, from the insertion of which your Memorialist was officially informed by His Majesty's Fiscal, that he was prohibited under a penalty of Rds. 10,000.

Your Memorialist therefore feels himself aggrieved and put

to a very serious pecuniary inconvenience, and humbly prays that His Excellency in Council will be pleased to take these premises into consideration, and grant him such redress as may be suitable to the tenor of the said premises and the instructions of Earl Bathurst, upon the faith of which, as before stated, your Memorialist returned to the Colony. And your Memorialist will ever pray &c.

(Signed) GEO. GREIG.

[Office Copy.]

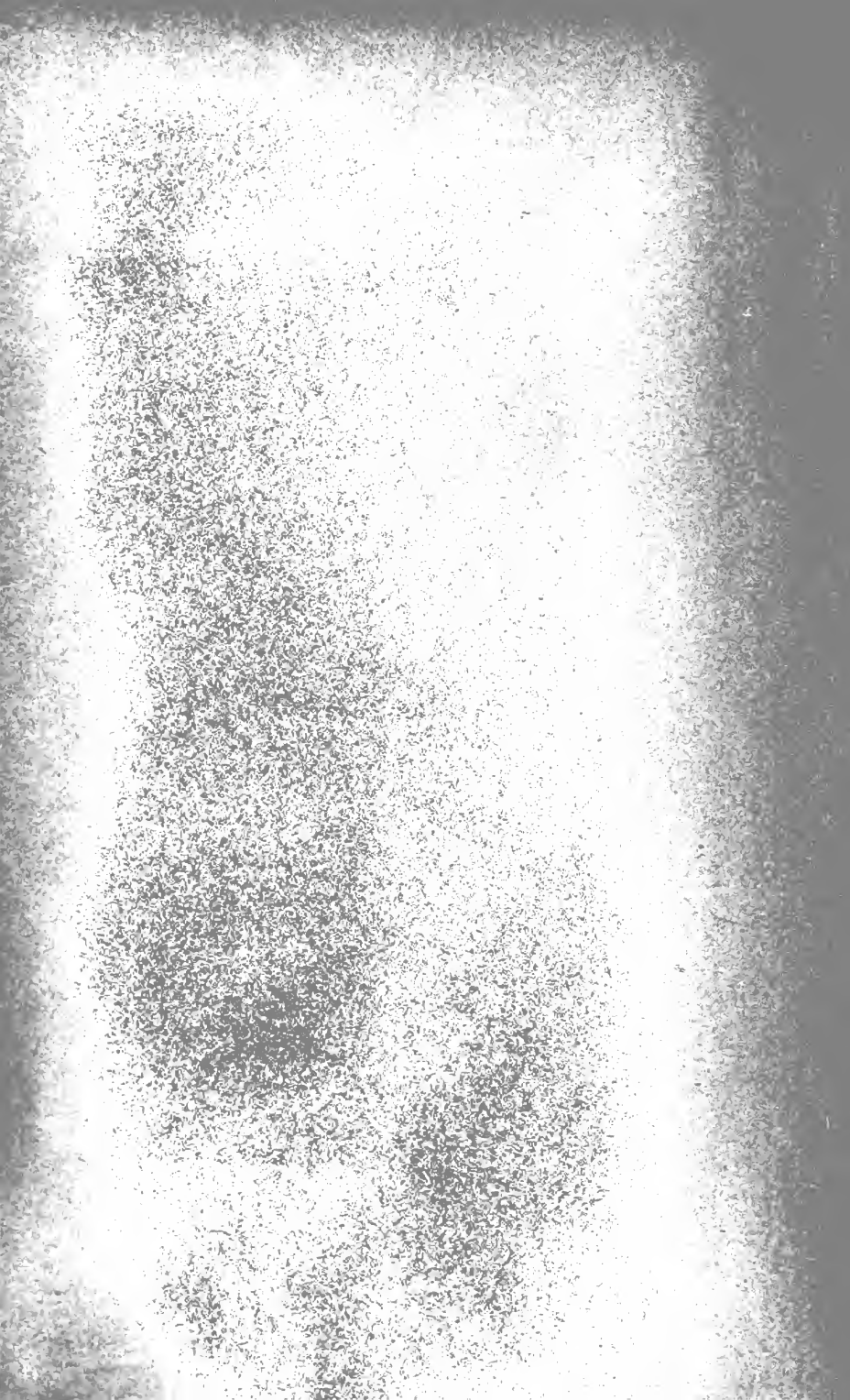
Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF ENQUIRY.

DOWNING STREET, LONDON, 22 August 1825.

GENTLEMEN,—I have the honor to acknowledge the receipt of your note of the 27th of April last with your report upon the appropriation of the money advanced by the British Government for the relief of the Inhabitants of the Colony of the Cape of Good Hope in 1822, together with the accompanying 71 Documents. I have &c.

(Signed) R. W. HAY.





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Author Theal, George McCall (ed.)

Title Records of the Cape Colony Vol. 22, June-Aug. 1895

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